



Adopted in House Comm. on Nov 19, 2008

09500SB0100ham001

LRB095 03581 RCE 53577 a

1 AMENDMENT TO SENATE BILL 100

2 AMENDMENT NO. _____. Amend Senate Bill 100 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 adding Article 4.5 to Chapter V as follows:

6 (730 ILCS 5/Ch. V. Art. 4.5 heading new)

7 ARTICLE 4.5. GENERAL SENTENCING PROVISIONS

8 (730 ILCS 5/5-4.5-5 new)

9 Sec. 5-4.5-5. STANDARD SENTENCING. Except as specifically
10 provided elsewhere, this Article governs sentencing for
11 offenses.

12 (730 ILCS 5/5-4.5-10 new)

13 Sec. 5-4.5-10. OFFENSE CLASSIFICATIONS.

14 (a) FELONY CLASSIFICATIONS. Felonies are classified, for

1 the purpose of sentencing, as follows:

2 (1) First degree murder (as a separate class of
3 felony).

4 (2) Class X felonies.

5 (3) Class 1 felonies.

6 (4) Class 2 felonies.

7 (5) Class 3 felonies.

8 (6) Class 4 felonies.

9 (b) MISDEMEANOR CLASSIFICATIONS. Misdemeanors are
10 classified, for the purpose of sentencing, as follows:

11 (1) Class A misdemeanors.

12 (2) Class B misdemeanors.

13 (3) Class C misdemeanors.

14 (c) PETTY AND BUSINESS OFFENSES. Petty offenses and
15 business offenses are not classified.

16 (730 ILCS 5/5-4.5-15 new)

17 Sec. 5-4.5-15. DISPOSITIONS.

18 (a) APPROPRIATE DISPOSITIONS. The following are
19 appropriate dispositions, alone or in combination, for all
20 felonies and misdemeanors other than as provided in Section
21 5-5-3 (730 ILCS 5/5-5-3) or as specifically provided in the
22 statute defining the offense or elsewhere:

23 (1) A period of probation.

24 (2) A term of periodic imprisonment.

25 (3) A term of conditional discharge.

1 (4) A term of imprisonment.

2 (5) A fine.

3 (6) Restitution to the victim.

4 (7) Participation in an impact incarceration program.

5 (8) A term of imprisonment in combination with a term
6 of probation when the offender has been admitted into a
7 drug court program.

8 (b) FINE; RESTITUTION; NOT SOLE DISPOSITION. Neither a fine
9 nor restitution shall be the sole disposition for a felony, and
10 either or both may be imposed only in conjunction with another
11 disposition.

12 (c) PAROLE; MANDATORY SUPERVISED RELEASE. Except when a
13 term of natural life is imposed, every sentence includes a term
14 in addition to the term of imprisonment. For those sentenced
15 under the law in effect before February 1, 1978, that term is a
16 parole term. For those sentenced on or after February 1, 1978,
17 that term is a mandatory supervised release term.

18 (730 ILCS 5/5-4.5-20 new)

19 Sec. 5-4.5-20. FIRST DEGREE MURDER; SENTENCE. For first
20 degree murder:

21 (a) TERM. The defendant shall be sentenced to imprisonment
22 or, if appropriate, death under Section 9-1 of the Criminal
23 Code of 1961 (720 ILCS 5/9-1). Imprisonment shall be for a
24 determinate term of (1) not less than 20 years and not more
25 than 60 years; (2) not less than 60 years and not more than 100

1 years when an extended term is imposed under Section 5-8-2 (730
2 ILCS 5/5-8-2); or (3) natural life as provided in Section 5-8-1
3 (730 ILCS 5/5-8-1).

4 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
5 shall not be imposed.

6 (c) IMPACT INCARCERATION. The impact incarceration program
7 or the county impact incarceration program is not an authorized
8 disposition.

9 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
10 probation or conditional discharge shall not be imposed.

11 (e) FINE. Fines may be imposed as provided in Section
12 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

13 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
14 concerning restitution.

15 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
16 be concurrent or consecutive as provided in Section 5-8-4 (730
17 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

18 (h) DRUG COURT. Drug court is not an authorized
19 disposition.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning no credit for time spent in home
22 detention prior to judgment.

23 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 (730
24 ILCS 5/3-6-3) for rules and regulations for early release based
25 on good conduct.

26 (k) ELECTRONIC HOME DETENTION. Electronic home detention

1 is not an authorized disposition, except in limited
2 circumstances as provided in Section 5-8A-3 (730 ILCS
3 5/5-8A-3).

4 (1) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
5 provided in Section 3-3-8 (730 ILCS 5/3-3-8), the parole or
6 mandatory supervised release term shall be 3 years upon release
7 from imprisonment.

8 (730 ILCS 5/5-4.5-25 new)

9 Sec. 5-4.5-25. CLASS X FELONIES; SENTENCE. For a Class X
10 felony:

11 (a) TERM. The sentence of imprisonment shall be a
12 determinate sentence of not less than 6 years and not more than
13 30 years. The sentence of imprisonment for an extended term
14 Class X felony, as provided in Section 5-8-2 (730 ILCS
15 5/5-8-2), shall be not less than 30 years and not more than 60
16 years.

17 (b) PERIODIC IMPRISONMENT. A term of periodic imprisonment
18 shall not be imposed.

19 (c) IMPACT INCARCERATION. The impact incarceration program
20 or the county impact incarceration program is not an authorized
21 disposition.

22 (d) PROBATION; CONDITIONAL DISCHARGE. A period of
23 probation or conditional discharge shall not be imposed.

24 (e) FINE. Fines may be imposed as provided in Section
25 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning no credit for time spent in home
11 detention prior to judgment.

12 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 (730
13 ILCS 5/3-6-3) for rules and regulations for early release based
14 on good conduct.

15 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
16 5/5-8A-3) concerning eligibility for electronic home
17 detention.

18 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
19 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
20 5/5-8-1), the parole or mandatory supervised release term shall
21 be 3 years upon release from imprisonment.

22 (730 ILCS 5/5-4.5-30 new)

23 Sec. 5-4.5-30. CLASS 1 FELONIES; SENTENCE. For a Class 1
24 felony:

25 (a) TERM. The sentence of imprisonment, other than for

1 second degree murder, shall be a determinate sentence of not
2 less than 4 years and not more than 15 years. The sentence of
3 imprisonment for second degree murder shall be a determinate
4 sentence of not less than 4 years and not more than 20 years.
5 The sentence of imprisonment for an extended term Class 1
6 felony, as provided in Section 5-8-2 (730 ILCS 5/5-8-2), shall
7 be a term not less than 15 years and not more than 30 years.

8 (b) PERIODIC IMPRISONMENT. A sentence of periodic
9 imprisonment shall be for a definite term of from 3 to 4 years,
10 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
11 ILCS 5/5-5-3 or 5/5-7-1).

12 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
13 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
14 the impact incarceration program or the county impact
15 incarceration program.

16 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
17 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
18 period of probation or conditional discharge shall not exceed 4
19 years. The court shall specify the conditions of probation or
20 conditional discharge as set forth in Section 5-6-3 (730 ILCS
21 5/5-6-3). In no case shall an offender be eligible for a
22 disposition of probation or conditional discharge for a Class 1
23 felony committed while he or she was serving a term of
24 probation or conditional discharge for a felony.

25 (e) FINE. Fines may be imposed as provided in Section
26 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning credit for time spent in home
11 detention prior to judgment.

12 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
13 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
14 Allowance Act (730 ILCS 130/) for rules and regulations for
15 early release based on good conduct.

16 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
17 5/5-8A-3) concerning eligibility for electronic home
18 detention.

19 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
20 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
21 5/5-8-1), the parole or mandatory supervised release term shall
22 be 2 years upon release from imprisonment.

23 (730 ILCS 5/5-4.5-35 new)

24 Sec. 5-4.5-35. CLASS 2 FELONIES; SENTENCE. For a Class 2
25 felony:

1 (a) TERM. The sentence of imprisonment shall be a
2 determinate sentence of not less than 3 years and not more than
3 7 years. The sentence of imprisonment for an extended term
4 Class 2 felony, as provided in Section 5-8-2 (730 ILCS
5 5/5-8-2), shall be a term not less than 7 years and not more
6 than 14 years.

7 (b) PERIODIC IMPRISONMENT. A sentence of periodic
8 imprisonment shall be for a definite term of from 18 to 30
9 months, except as otherwise provided in Section 5-5-3 or 5-7-1
10 (730 ILCS 5/5-5-3 or 5/5-7-1).

11 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
12 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
13 the impact incarceration program or the county impact
14 incarceration program.

15 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
16 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
17 period of probation or conditional discharge shall not exceed 4
18 years. The court shall specify the conditions of probation or
19 conditional discharge as set forth in Section 5-6-3 (730 ILCS
20 5/5-6-3).

21 (e) FINE. Fines may be imposed as provided in Section
22 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
3 Act (730 ILCS 166/20) concerning eligibility for a drug court
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
6 ILCS 5/5-4.5-100) concerning credit for time spent in home
7 detention prior to judgment.

8 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
9 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
10 Allowance Act (730 ILCS 130/) for rules and regulations for
11 early release based on good conduct.

12 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
13 5/5-8A-3) concerning eligibility for electronic home
14 detention.

15 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
16 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
17 5/5-8-1), the parole or mandatory supervised release term shall
18 be 2 years upon release from imprisonment.

19 (730 ILCS 5/5-4.5-40 new)

20 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. For a Class 3
21 felony:

22 (a) TERM. The sentence of imprisonment shall be a
23 determinate sentence of not less than 2 years and not more than
24 5 years. The sentence of imprisonment for an extended term
25 Class 3 felony, as provided in Section 5-8-2 (730 ILCS

1 5/5-8-2), shall be a term not less than 5 years and not more
2 than 10 years.

3 (b) PERIODIC IMPRISONMENT. A sentence of periodic
4 imprisonment shall be for a definite term of up to 18 months,
5 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
6 ILCS 5/5-5-3 or 5/5-7-1).

7 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
8 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
9 the impact incarceration program or the county impact
10 incarceration program.

11 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
12 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
13 period of probation or conditional discharge shall not exceed
14 30 months. The court shall specify the conditions of probation
15 or conditional discharge as set forth in Section 5-6-3 (730
16 ILCS 5/5-6-3).

17 (e) FINE. Fines may be imposed as provided in Section
18 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

19 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
20 concerning restitution.

21 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
22 be concurrent or consecutive as provided in Section 5-8-4 (730
23 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

24 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
25 Act (730 ILCS 166/20) concerning eligibility for a drug court
26 program.

1 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
2 ILCS 5/5-4.5-100) concerning credit for time spent in home
3 detention prior to judgment.

4 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this
5 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
6 Allowance Act (730 ILCS 130/) for rules and regulations for
7 early release based on good conduct.

8 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
9 5/5-8A-3) concerning eligibility for electronic home
10 detention.

11 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
12 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
13 5/5-8-1), the parole or mandatory supervised release term shall
14 be one year upon release from imprisonment.

15 (730 ILCS 5/5-4.5-45 new)

16 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. For a Class 4
17 felony:

18 (a) TERM. The sentence of imprisonment shall be a
19 determinate sentence of not less than one year and not more
20 than 3 years. The sentence of imprisonment for an extended term
21 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
22 5/5-8-2), shall be a term not less than 3 years and not more
23 than 6 years.

24 (b) PERIODIC IMPRISONMENT. A sentence of periodic
25 imprisonment shall be for a definite term of up to 18 months,

1 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
2 ILCS 5/5-5-3 or 5/5-7-1).

3 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
4 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
5 the impact incarceration program or the county impact
6 incarceration program.

7 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
8 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
9 period of probation or conditional discharge shall not exceed
10 30 months. The court shall specify the conditions of probation
11 or conditional discharge as set forth in Section 5-6-3 (730
12 ILCS 5/5-6-3).

13 (e) FINE. Fines may be imposed as provided in Section
14 5-4.5-50 (b) (730 ILCS 5/5-4.5-50 (b)).

15 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
16 concerning restitution.

17 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
18 be concurrent or consecutive as provided in Section 5-8-4 (730
19 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

20 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
21 Act (730 ILCS 166/20) concerning eligibility for a drug court
22 program.

23 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
24 ILCS 5/5-4.5-100) concerning credit for time spent in home
25 detention prior to judgment.

26 (j) EARLY RELEASE; GOOD CONDUCT. See Section 3-6-3 of this

1 Code (730 ILCS 5/3-6-3) or the County Jail Good Behavior
2 Allowance Act (730 ILCS 130/) for rules and regulations for
3 early release based on good conduct.

4 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
5 5/5-8A-3) concerning eligibility for electronic home
6 detention.

7 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
8 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
9 5/5-8-1), the parole or mandatory supervised release term shall
10 be one year upon release from imprisonment.

11 (730 ILCS 5/5-4.5-50 new)

12 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
13 as otherwise provided, for all felonies:

14 (a) NO SUPERVISION. The court, upon a plea of guilty or a
15 stipulation by the defendant of the facts supporting the charge
16 or a finding of guilt, may not defer further proceedings and
17 the imposition of a sentence and may not enter an order for
18 supervision of the defendant.

19 (b) FELONY FINES. An offender may be sentenced to pay a
20 fine not to exceed, for each offense, \$25,000 or the amount
21 specified in the offense, whichever is greater, or if the
22 offender is a corporation, \$50,000 or the amount specified in
23 the offense, whichever is greater. A fine may be imposed in
24 addition to a sentence of conditional discharge, probation,
25 periodic imprisonment, or imprisonment. See Article 9 of

1 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
2 additional amounts and determination of amounts and payment.

3 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
4 each felony conviction shall set forth his or her reasons for
5 imposing the particular sentence entered in the case, as
6 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
7 include any mitigating or aggravating factors specified in this
8 Code, or the lack of any such factors, as well as any other
9 mitigating or aggravating factors that the judge sets forth on
10 the record that are consistent with the purposes and principles
11 of sentencing set out in this Code.

12 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
13 sentence may be made, or the court may reduce a sentence
14 without motion, within 30 days after the sentence is imposed. A
15 defendant's challenge to the correctness of a sentence or to
16 any aspect of the sentencing hearing shall be made by a written
17 motion filed with the circuit court clerk within 30 days
18 following the imposition of sentence. A motion not filed within
19 that 30-day period is not timely. The court may not increase a
20 sentence once it is imposed. A notice of motion must be filed
21 with the motion. The notice of motion shall set the motion on
22 the court's calendar on a date certain within a reasonable time
23 after the date of filing.

24 If a motion filed pursuant to this subsection is timely
25 filed, the proponent of the motion shall exercise due diligence
26 in seeking a determination on the motion and the court shall

1 thereafter decide the motion within a reasonable time.

2 If a motion filed pursuant to this subsection is timely
3 filed, then for purposes of perfecting an appeal, a final
4 judgment is not considered to have been entered until the
5 motion to reduce the sentence has been decided by order entered
6 by the trial court.

7 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
8 OTHER-STATE SENTENCE. A defendant who has a previous and
9 unexpired sentence of imprisonment imposed by another state or
10 by any district court of the United States and who, after
11 sentence for a crime in Illinois, must return to serve the
12 unexpired prior sentence may have his or her sentence by the
13 Illinois court ordered to be concurrent with the prior
14 other-state or federal sentence. The court may order that any
15 time served on the unexpired portion of the other-state or
16 federal sentence, prior to his or her return to Illinois, shall
17 be credited on his or her Illinois sentence. The appropriate
18 official of the other state or the United States shall be
19 furnished with a copy of the order imposing sentence, which
20 shall provide that, when the offender is released from
21 other-state or federal confinement, whether by parole or by
22 termination of sentence, the offender shall be transferred by
23 the Sheriff of the committing Illinois county to the Illinois
24 Department of Corrections. The court shall cause the Department
25 of Corrections to be notified of the sentence at the time of
26 commitment and to be provided with copies of all records

1 regarding the sentence.

2 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
3 defendant who has a previous and unexpired sentence of
4 imprisonment imposed by an Illinois circuit court for a crime
5 in this State and who is subsequently sentenced to a term of
6 imprisonment by another state or by any district court of the
7 United States and who has served a term of imprisonment imposed
8 by the other state or district court of the United States, and
9 must return to serve the unexpired prior sentence imposed by
10 the Illinois circuit court, may apply to the Illinois circuit
11 court that imposed sentence to have his or her sentence
12 reduced.

13 The circuit court may order that any time served on the
14 sentence imposed by the other state or district court of the
15 United States be credited on his or her Illinois sentence. The
16 application for reduction of a sentence under this subsection
17 shall be made within 30 days after the defendant has completed
18 the sentence imposed by the other state or district court of
19 the United States.

20 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
21 sentence or disposition that requires the defendant to be
22 implanted or injected with or to use any form of birth control.

23 (730 ILCS 5/5-4.5-55 new)

24 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
25 A misdemeanor:

1 (a) TERM. The sentence of imprisonment shall be a
2 determinate sentence of less than one year.

3 (b) PERIODIC IMPRISONMENT. A sentence of periodic
4 imprisonment shall be for a definite term of less than one
5 year, except as otherwise provided in Section 5-5-3 or 5-7-1
6 (730 ILCS 5/5-5-3 or 5/5-7-1).

7 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
8 5/5-8-1.2) concerning eligibility for the county impact
9 incarceration program.

10 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
11 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
12 period of probation or conditional discharge shall not exceed 2
13 years. The court shall specify the conditions of probation or
14 conditional discharge as set forth in Section 5-6-3 (730 ILCS
15 5/5-6-3).

16 (e) FINE. A fine not to exceed \$2,500 for each offense or
17 the amount specified in the offense, whichever is greater, may
18 be imposed. A fine may be imposed in addition to a sentence of
19 conditional discharge, probation, periodic imprisonment, or
20 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
21 Art. 9) for imposition of additional amounts and determination
22 of amounts and payment.

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
3 Act (730 ILCS 166/20) concerning eligibility for a drug court
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
6 ILCS 5/5-4.5-100) concerning credit for time spent in home
7 detention prior to judgment.

8 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
9 Behavior Allowance Act (730 ILCS 130/) for rules and
10 regulations for early release based on good conduct.

11 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
12 5/5-8A-3) concerning eligibility for electronic home
13 detention.

14 (730 ILCS 5/5-4.5-60 new)

15 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
16 B misdemeanor:

17 (a) TERM. The sentence of imprisonment shall be a
18 determinate sentence of not more than 6 months.

19 (b) PERIODIC IMPRISONMENT. A sentence of periodic
20 imprisonment shall be for a definite term of up to 6 months or
21 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

22 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
23 5/5-8-1.2) concerning eligibility for the county impact
24 incarceration program.

25 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided

1 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
2 conditional discharge shall not exceed 2 years. The court shall
3 specify the conditions of probation or conditional discharge as
4 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

5 (e) FINE. A fine not to exceed \$1,500 for each offense or
6 the amount specified in the offense, whichever is greater, may
7 be imposed. A fine may be imposed in addition to a sentence of
8 conditional discharge, probation, periodic imprisonment, or
9 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
10 Art. 9) for imposition of additional amounts and determination
11 of amounts and payment.

12 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
13 concerning restitution.

14 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
15 be concurrent or consecutive as provided in Section 5-8-4 (730
16 ILCS 5/5-8-4).

17 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
18 Act (730 ILCS 166/20) concerning eligibility for a drug court
19 program.

20 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
21 ILCS 5/5-4.5-100) concerning credit for time spent in home
22 detention prior to judgment.

23 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
24 Behavior Allowance Act (730 ILCS 130/) for rules and
25 regulations for early release based on good conduct.

26 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS

1 5/5-8A-3) concerning eligibility for electronic home
2 detention.

3 (730 ILCS 5/5-4.5-65 new)

4 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
5 C misdemeanor:

6 (a) TERM. The sentence of imprisonment shall be a
7 determinate sentence of not more than 30 days.

8 (b) PERIODIC IMPRISONMENT. A sentence of periodic
9 imprisonment shall be for a definite term of up to 30 days or
10 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

11 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
12 5/5-8-1.2) concerning eligibility for the county impact
13 incarceration program.

14 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
15 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
16 conditional discharge shall not exceed 2 years. The court shall
17 specify the conditions of probation or conditional discharge as
18 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

19 (e) FINE. A fine not to exceed \$1,500 for each offense or
20 the amount specified in the offense, whichever is greater, may
21 be imposed. A fine may be imposed in addition to a sentence of
22 conditional discharge, probation, periodic imprisonment, or
23 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
24 Art. 9) for imposition of additional amounts and determination
25 of amounts and payment.

1 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
2 concerning restitution.

3 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
4 be concurrent or consecutive as provided in Section 5-8-4 (730
5 ILCS 5/5-8-4).

6 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
7 Act (730 ILCS 166/20) concerning eligibility for a drug court
8 program.

9 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
10 ILCS 5/5-4.5-100) concerning credit for time spent in home
11 detention prior to judgment.

12 (j) EARLY RELEASE; GOOD CONDUCT. See the County Jail Good
13 Behavior Allowance Act (730 ILCS 130/) for rules and
14 regulations for early release based on good conduct.

15 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
16 5/5-8A-3) concerning eligibility for electronic home
17 detention.

18 (730 ILCS 5/5-4.5-70 new)

19 Sec. 5-4.5-70. SENTENCE PROVISIONS; ALL MISDEMEANORS.
20 Except as otherwise provided, for all misdemeanors:

21 (a) SUPERVISION; ORDER. The court, upon a plea of guilty or
22 a stipulation by the defendant of the facts supporting the
23 charge or a finding of guilt, may defer further proceedings and
24 the imposition of a sentence and may enter an order for
25 supervision of the defendant. If the defendant is not barred

1 from receiving an order for supervision under Section 5-6-1
2 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
3 for supervision after considering the circumstances of the
4 offense, and the history, character, and condition of the
5 offender, if the court is of the opinion that:

6 (1) the defendant is not likely to commit further
7 crimes;

8 (2) the defendant and the public would be best served
9 if the defendant were not to receive a criminal record; and

10 (3) in the best interests of justice, an order of
11 supervision is more appropriate than a sentence otherwise
12 permitted under this Code.

13 (b) SUPERVISION; PERIOD. When a defendant is placed on
14 supervision, the court shall enter an order for supervision
15 specifying the period of supervision, and shall defer further
16 proceedings in the case until the conclusion of the period. The
17 period of supervision shall be reasonable under all of the
18 circumstances of the case, and except as otherwise provided,
19 may not be longer than 2 years, unless the defendant has failed
20 to pay the assessment required by Section 10.3 of the Cannabis
21 Control Act (720 ILCS 550/10.3), Section 411.2 of the Illinois
22 Controlled Substances Act (720 ILCS 570/411.2), or Section 80
23 of the Methamphetamine Control and Community Protection Act
24 (720 ILCS 646/80), in which case the court may extend
25 supervision beyond 2 years. The court shall specify the
26 conditions of supervision as set forth in Section 5-6-3.1 (730

1 ILCS 5/5-6-3.1).

2 (c) NO REQUIRED BIRTH CONTROL. A court may not impose a
3 sentence or disposition that requires the defendant to be
4 implanted or injected with or to use any form of birth control.

5 (730 ILCS 5/5-4.5-75 new)

6 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as
7 otherwise provided, for a petty offense:

8 (a) FINE. A defendant may be sentenced to pay a fine not to
9 exceed \$1,000 for each offense or the amount specified in the
10 offense, whichever is less. A fine may be imposed in addition
11 to a sentence of conditional discharge or probation. See
12 Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for
13 imposition of additional amounts and determination of amounts
14 and payment.

15 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided
16 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be
17 sentenced to a period of probation or conditional discharge not
18 to exceed 6 months. The court shall specify the conditions of
19 probation or conditional discharge as set forth in Section
20 5-6-3 (730 ILCS 5/5-6-3).

21 (c) RESTITUTION. A defendant may be sentenced to make
22 restitution to the victim under Section 5-5-6 (730 ILCS
23 5/5-5-6).

24 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
25 a stipulation by the defendant of the facts supporting the

1 charge or a finding of guilt, may defer further proceedings and
2 the imposition of a sentence and may enter an order for
3 supervision of the defendant. If the defendant is not barred
4 from receiving an order for supervision under Section 5-6-1
5 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
6 for supervision after considering the circumstances of the
7 offense, and the history, character, and condition of the
8 offender, if the court is of the opinion that:

9 (1) the defendant is not likely to commit further
10 crimes;

11 (2) the defendant and the public would be best served
12 if the defendant were not to receive a criminal record; and

13 (3) in the best interests of justice, an order of
14 supervision is more appropriate than a sentence otherwise
15 permitted under this Code.

16 (e) SUPERVISION; PERIOD. When a defendant is placed on
17 supervision, the court shall enter an order for supervision
18 specifying the period of supervision, and shall defer further
19 proceedings in the case until the conclusion of the period. The
20 period of supervision shall be reasonable under all of the
21 circumstances of the case, and except as otherwise provided,
22 may not be longer than 2 years. The court shall specify the
23 conditions of supervision as set forth in Section 5-6-3.1 (730
24 ILCS 5/5-6-3.1).

1 Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as
2 otherwise provided, for a business offense:

3 (a) FINE. A defendant may be sentenced to pay a fine not to
4 exceed for each offense the amount specified in the statute
5 defining that offense. A fine may be imposed in addition to a
6 sentence of conditional discharge. See Article 9 of Chapter V
7 (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts
8 and determination of amounts and payment.

9 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to
10 a period of conditional discharge. The court shall specify the
11 conditions of conditional discharge as set forth in Section
12 5-6-3 (730 ILCS 5/5-6-3).

13 (c) RESTITUTION. A defendant may be sentenced to make
14 restitution to the victim under Section 5-5-6 (730 ILCS
15 5/5-5-6).

16 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
17 a stipulation by the defendant of the facts supporting the
18 charge or a finding of guilt, may defer further proceedings and
19 the imposition of a sentence and may enter an order for
20 supervision of the defendant. If the defendant is not barred
21 from receiving an order for supervision under Section 5-6-1
22 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
23 for supervision after considering the circumstances of the
24 offense, and the history, character, and condition of the
25 offender, if the court is of the opinion that:

26 (1) the defendant is not likely to commit further

1 crimes;

2 (2) the defendant and the public would be best served
3 if the defendant were not to receive a criminal record; and

4 (3) in the best interests of justice, an order of
5 supervision is more appropriate than a sentence otherwise
6 permitted under this Code.

7 (e) SUPERVISION; PERIOD. When a defendant is placed on
8 supervision, the court shall enter an order for supervision
9 specifying the period of supervision, and shall defer further
10 proceedings in the case until the conclusion of the period. The
11 period of supervision shall be reasonable under all of the
12 circumstances of the case, and except as otherwise provided,
13 may not be longer than 2 years. The court shall specify the
14 conditions of supervision as set forth in Section 5-6-3.1 (730
15 ILCS 5/5-6-3.1).

16 (730 ILCS 5/5-4.5-85 new)

17 Sec. 5-4.5-85. UNCLASSIFIED OFFENSES; SENTENCE.

18 (a) FELONY. The particular classification of each felony is
19 specified in the law defining the felony. Any unclassified
20 offense that is declared by law to be a felony or that provides
21 a sentence to a term of imprisonment for one year or more is a
22 Class 4 felony.

23 (b) MISDEMEANOR. The particular classification of each
24 misdemeanor is specified in the law or ordinance defining the
25 misdemeanor.

1 (1) Any offense not so classified that provides a
2 sentence to a term of imprisonment of less than one year
3 but in excess of 6 months is a Class A misdemeanor.

4 (2) Any offense not so classified that provides a
5 sentence to a term of imprisonment of 6 months or less but
6 in excess of 30 days is a Class B misdemeanor.

7 (3) Any offense not so classified that provides a
8 sentence to a term of imprisonment of 30 days or less is a
9 Class C misdemeanor.

10 (c) PETTY OR BUSINESS OFFENSE. Any unclassified offense
11 that does not provide for a sentence of imprisonment is a petty
12 offense or a business offense.

13 (730 ILCS 5/5-4.5-90 new)

14 Sec. 5-4.5-90. OTHER REMEDIES NOT LIMITED. This Article
15 does not deprive a court in other proceedings of the power to
16 order a forfeiture of property, to suspend or cancel a license,
17 to remove a person from office, or to impose any other civil
18 penalty.

19 (730 ILCS 5/5-4.5-95 new)

20 Sec. 5-4.5-95. GENERAL RECIDIVISM PROVISIONS.

21 (a) HABITUAL CRIMINALS.

22 (1) Every person who has been twice convicted in any
23 state or federal court of an offense that contains the same
24 elements as an offense now (the date of the offense

1 committed after the 2 prior convictions) classified in
2 Illinois as a Class X felony, criminal sexual assault,
3 aggravated kidnapping, or first degree murder, and who is
4 thereafter convicted of a Class X felony, criminal sexual
5 assault, or first degree murder, committed after the 2
6 prior convictions, shall be adjudged an habitual criminal.

7 (2) The 2 prior convictions need not have been for the
8 same offense.

9 (3) Any convictions that result from or are connected
10 with the same transaction, or result from offenses
11 committed at the same time, shall be counted for the
12 purposes of this Section as one conviction.

13 (4) This Section does not apply unless each of the
14 following requirements are satisfied:

15 (A) The third offense was committed after July 3,
16 1980.

17 (B) The third offense was committed within 20 years
18 of the date that judgment was entered on the first
19 conviction; provided, however, that time spent in
20 custody shall not be counted.

21 (C) The third offense was committed after
22 conviction on the second offense.

23 (D) The second offense was committed after
24 conviction on the first offense.

25 (5) Except when the death penalty is imposed, anyone
26 adjudged an habitual criminal shall be sentenced to a term

1 of natural life imprisonment.

2 (6) A prior conviction shall not be alleged in the
3 indictment, and no evidence or other disclosure of that
4 conviction shall be presented to the court or the jury
5 during the trial of an offense set forth in this Section
6 unless otherwise permitted by the issues properly raised in
7 that trial. After a plea or verdict or finding of guilty
8 and before sentence is imposed, the prosecutor may file
9 with the court a verified written statement signed by the
10 State's Attorney concerning any former conviction of an
11 offense set forth in this Section rendered against the
12 defendant. The court shall then cause the defendant to be
13 brought before it; shall inform the defendant of the
14 allegations of the statement so filed, and of his or her
15 right to a hearing before the court on the issue of that
16 former conviction and of his or her right to counsel at
17 that hearing; and unless the defendant admits such
18 conviction, shall hear and determine the issue, and shall
19 make a written finding thereon. If a sentence has
20 previously been imposed, the court may vacate that sentence
21 and impose a new sentence in accordance with this Section.

22 (7) A duly authenticated copy of the record of any
23 alleged former conviction of an offense set forth in this
24 Section shall be prima facie evidence of that former
25 conviction; and a duly authenticated copy of the record of
26 the defendant's final release or discharge from probation

1 granted, or from sentence and parole supervision (if any)
2 imposed pursuant to that former conviction, shall be prima
3 facie evidence of that release or discharge.

4 (8) Any claim that a previous conviction offered by the
5 prosecution is not a former conviction of an offense set
6 forth in this Section because of the existence of any
7 exceptions described in this Section, is waived unless duly
8 raised at the hearing on that conviction, or unless the
9 prosecution's proof shows the existence of the exceptions
10 described in this Section.

11 (9) If the person so convicted shows to the
12 satisfaction of the court before whom that conviction was
13 had that he or she was released from imprisonment, upon
14 either of the sentences upon a pardon granted for the
15 reason that he or she was innocent, that conviction and
16 sentence shall not be considered under this Section.

17 (b) When a defendant, over the age of 21 years, is
18 convicted of a Class 1 or Class 2 felony, after having twice
19 been convicted in any state or federal court of an offense that
20 contains the same elements as an offense now (the date the
21 Class 1 or Class 2 felony was committed) classified in Illinois
22 as a Class 2 or greater Class felony and those charges are
23 separately brought and tried and arise out of different series
24 of acts, that defendant shall be sentenced as a Class X
25 offender. This subsection does not apply unless:

26 (1) the first felony was committed after February 1,

1 1978 (the effective date of Public Act 80-1099);

2 (2) the second felony was committed after conviction on
3 the first; and

4 (3) the third felony was committed after conviction on
5 the second.

6 A person sentenced as a Class X offender under this
7 subsection (b) is not eligible to apply for treatment as a
8 condition of probation as provided by Section 40-10 of the
9 Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS
10 301/40-10).

11 (730 ILCS 5/5-4.5-100 new)

12 Sec. 5-4.5-100. CALCULATION OF TERM OF IMPRISONMENT.

13 (a) COMMENCEMENT. A sentence of imprisonment shall
14 commence on the date on which the offender is received by the
15 Department or the institution at which the sentence is to be
16 served.

17 (b) CREDIT; TIME IN CUSTODY; SAME CHARGE. The offender
18 shall be given credit on the determinate sentence or maximum
19 term and the minimum period of imprisonment for time spent in
20 custody as a result of the offense for which the sentence was
21 imposed, at the rate specified in Section 3-6-3 (730 ILCS
22 5/3-6-3). Except when prohibited by subsection (d), the trial
23 court may give credit to the defendant for time spent in home
24 detention, or when the defendant has been confined for
25 psychiatric or substance abuse treatment prior to judgment, if

1 the court finds that the detention or confinement was
2 custodial.

3 (c) CREDIT; TIME IN CUSTODY; FORMER CHARGE. An offender
4 arrested on one charge and prosecuted on another charge for
5 conduct that occurred prior to his or her arrest shall be given
6 credit on the determinate sentence or maximum term and the
7 minimum term of imprisonment for time spent in custody under
8 the former charge not credited against another sentence.

9 (d) NO CREDIT; SOME HOME DETENTION. An offender sentenced
10 to a term of imprisonment for an offense listed in paragraph
11 (2) of subsection (c) of Section 5-5-3 (730 ILCS 5/5-5-3) or in
12 paragraph (3) of subsection (c-1) of Section 11-501 of the
13 Illinois Vehicle Code (625 ILCS 5/11-501) shall not receive
14 credit for time spent in home detention prior to judgment.

15 (730 ILCS 5/5-4.5-990 new)

16 Sec. 5-4.5-990. PRIOR LAW; OTHER ACTS; PRIOR SENTENCING.

17 (a) This Article 4.5 and the other provisions of this
18 amendatory Act of the 95th General Assembly consolidate and
19 unify certain criminal sentencing provisions and make
20 conforming changes in the law.

21 (b) A provision of this Article 4.5 or any other provision
22 of this amendatory Act of the 95th General Assembly that is the
23 same or substantially the same as a prior law shall be
24 construed as a continuation of the prior law and not as a new
25 or different law.

1 (c) A citation in this Code or in another Act to a
2 provision consolidated or unified in this Article 4.5 or to any
3 other provision consolidated or unified in this amendatory Act
4 of the 95th General Assembly shall be construed to be a
5 citation to that consolidated or unified provision.

6 (d) If any other Act of the General Assembly changes, adds,
7 or repeals a provision of prior law that is consolidated or
8 unified in this Article 4.5 or in any other provision of this
9 amendatory Act of the 95th General Assembly, then that change,
10 addition, or repeal shall be construed together with this
11 Article 4.5 and the other provisions of this amendatory Act of
12 the 95th General Assembly.

13 (e) Sentencing for any violation of the law occurring
14 before the effective date of this amendatory Act of the 95th
15 General Assembly is not affected or abated by this amendatory
16 Act of the 95th General Assembly.

17 Section 80. The Criminal Code of 1961 is amended by
18 changing Sections 10-5 and 33A-3 as follows:

19 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

20 Sec. 10-5. Child Abduction.

21 (a) For purposes of this Section, the following terms shall
22 have the following meanings:

23 (1) "Child" means a person under the age of 18 or a
24 severely or profoundly mentally retarded person at the time

1 the alleged violation occurred; and

2 (2) "Detains" means taking or retaining physical
3 custody of a child, whether or not the child resists or
4 objects; and

5 (3) "Lawful custodian" means a person or persons
6 granted legal custody of a child or entitled to physical
7 possession of a child pursuant to a court order. It is
8 presumed that, when the parties have never been married to
9 each other, the mother has legal custody of the child
10 unless a valid court order states otherwise. If an
11 adjudication of paternity has been completed and the father
12 has been assigned support obligations or visitation
13 rights, such a paternity order should, for the purposes of
14 this Section be considered a valid court order granting
15 custody to the mother.

16 (b) A person commits child abduction when he or she:

17 (1) Intentionally violates any terms of a valid court
18 order granting sole or joint custody, care or possession to
19 another, by concealing or detaining the child or removing
20 the child from the jurisdiction of the court; or

21 (2) Intentionally violates a court order prohibiting
22 the person from concealing or detaining the child or
23 removing the child from the jurisdiction of the court; or

24 (3) Intentionally conceals, detains or removes the
25 child without the consent of the mother or lawful custodian
26 of the child if the person is a putative father and either:

1 (A) the paternity of the child has not been legally
2 established or (B) the paternity of the child has been
3 legally established but no orders relating to custody have
4 been entered. However, notwithstanding the presumption
5 created by paragraph (3) of subsection (a), a mother
6 commits child abduction when she intentionally conceals or
7 removes a child, whom she has abandoned or relinquished
8 custody of, from an unadjudicated father who has provided
9 sole ongoing care and custody of the child in her absence;
10 or

11 (4) Intentionally conceals or removes the child from a
12 parent after filing a petition or being served with process
13 in an action affecting marriage or paternity but prior to
14 the issuance of a temporary or final order determining
15 custody; or

16 (5) At the expiration of visitation rights outside the
17 State, intentionally fails or refuses to return or impedes
18 the return of the child to the lawful custodian in
19 Illinois; or

20 (6) Being a parent of the child, and where the parents
21 of such child are or have been married and there has been
22 no court order of custody, conceals the child for 15 days,
23 and fails to make reasonable attempts within the 15 day
24 period to notify the other parent as to the specific
25 whereabouts of the child, including a means by which to
26 contact such child, or to arrange reasonable visitation or

1 contact with the child. It is not a violation of this
2 Section for a person fleeing domestic violence to take the
3 child with him or her to housing provided by a domestic
4 violence program; or

5 (7) Being a parent of the child, and where the parents
6 of the child are or have been married and there has been no
7 court order of custody, conceals, detains, or removes the
8 child with physical force or threat of physical force; or

9 (8) Conceals, detains, or removes the child for payment
10 or promise of payment at the instruction of a person who
11 has no legal right to custody; or

12 (9) Retains in this State for 30 days a child removed
13 from another state without the consent of the lawful
14 custodian or in violation of a valid court order of
15 custody; or

16 (10) Intentionally lures or attempts to lure a child
17 under the age of 16 into a motor vehicle, building,
18 housetrailer, or dwelling place without the consent of the
19 parent or lawful custodian of the child for other than a
20 lawful purpose.

21 For the purposes of this subsection (b), paragraph (10),
22 the luring or attempted luring of a child under the age of 16
23 into a motor vehicle, building, housetrailer, or dwelling place
24 without the consent of the parent or lawful custodian of the
25 child shall be prima facie evidence of other than a lawful
26 purpose.

1 (c) It shall be an affirmative defense that:

2 (1) The person had custody of the child pursuant to a
3 court order granting legal custody or visitation rights
4 which existed at the time of the alleged violation; or

5 (2) The person had physical custody of the child
6 pursuant to a court order granting legal custody or
7 visitation rights and failed to return the child as a
8 result of circumstances beyond his or her control, and the
9 person notified and disclosed to the other parent or legal
10 custodian the specific whereabouts of the child and a means
11 by which such child can be contacted or made a reasonable
12 attempt to notify the other parent or lawful custodian of
13 the child of such circumstances and make such disclosure
14 within 24 hours after the visitation period had expired and
15 returned the child as soon as possible; or

16 (3) The person was fleeing an incidence or pattern of
17 domestic violence; or

18 (4) The person lured or attempted to lure a child under
19 the age of 16 into a motor vehicle, building, housetrailer,
20 or dwelling place for a lawful purpose in prosecutions
21 under subsection (b), paragraph (10).

22 (d) A person convicted of child abduction under this
23 Section is guilty of a Class 4 felony. A person convicted of a
24 second or subsequent violation of paragraph (10) of subsection
25 (b) of this Section is guilty of a Class 3 felony. It shall be a
26 factor in aggravation for which a court may impose a more

1 severe sentence under Section 5-8-1 (730 ILCS 5/5-8-1) or
2 Article 4.5 of Chapter V of the Unified Code of Corrections, if
3 upon sentencing the court finds evidence of any of the
4 following aggravating factors:

5 (1) that the defendant abused or neglected the child
6 following the concealment, detention or removal of the
7 child; or

8 (2) that the defendant inflicted or threatened to
9 inflict physical harm on a parent or lawful custodian of
10 the child or on the child with intent to cause such parent
11 or lawful custodian to discontinue criminal prosecution of
12 the defendant under this Section; or

13 (3) that the defendant demanded payment in exchange for
14 return of the child or demanded that he or she be relieved
15 of the financial or legal obligation to support the child
16 in exchange for return of the child; or

17 (4) that the defendant has previously been convicted of
18 child abduction; or

19 (5) that the defendant committed the abduction while
20 armed with a deadly weapon or the taking of the child
21 resulted in serious bodily injury to another; or

22 (6) that the defendant committed the abduction while in
23 a school, regardless of the time of day or time of year; in
24 a playground; on any conveyance owned, leased, or
25 contracted by a school to transport students to or from
26 school or a school related activity; on the real property

1 of a school; or on a public way within 1,000 feet of the
2 real property comprising any school or playground. For
3 purposes of this paragraph (6), "playground" means a piece
4 of land owned or controlled by a unit of local government
5 that is designated by the unit of local government for use
6 solely or primarily for children's recreation; and
7 "school" means a public or private elementary or secondary
8 school, community college, college, or university.

9 (e) The court may order the child to be returned to the
10 parent or lawful custodian from whom the child was concealed,
11 detained or removed. In addition to any sentence imposed, the
12 court may assess any reasonable expense incurred in searching
13 for or returning the child against any person convicted of
14 violating this Section.

15 (f) Nothing contained in this Section shall be construed to
16 limit the court's contempt power.

17 (g) Every law enforcement officer investigating an alleged
18 incident of child abduction shall make a written police report
19 of any bona fide allegation and the disposition of such
20 investigation. Every police report completed pursuant to this
21 Section shall be compiled and recorded within the meaning of
22 Section 5.1 of "An Act in relation to criminal identification
23 and investigation", approved July 2, 1931, as now or hereafter
24 amended.

25 (h) Whenever a law enforcement officer has reasons to
26 believe a child abduction has occurred, he shall provide the

1 lawful custodian a summary of her or his rights under this Act,
2 including the procedures and relief available to her or him.

3 (i) If during the course of an investigation under this
4 Section the child is found in the physical custody of the
5 defendant or another, the law enforcement officer shall return
6 the child to the parent or lawful custodian from whom the child
7 was concealed, detained or removed, unless there is good cause
8 for the law enforcement officer or the Department of Children
9 and Family Services to retain temporary protective custody of
10 the child pursuant to the Abused and Neglected Child Reporting
11 Act, as now or hereafter amended.

12 (Source: P.A. 92-434, eff. 1-1-02.)

13 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

14 Sec. 33A-3. Sentence.

15 (a) Violation of Section 33A-2(a) with a Category I weapon
16 is a Class X felony for which the defendant shall be sentenced
17 to a minimum term of imprisonment of 15 years.

18 (a-5) Violation of Section 33A-2(a) with a Category II
19 weapon is a Class X felony for which the defendant shall be
20 sentenced to a minimum term of imprisonment of 10 years.

21 (b) Violation of Section 33A-2(a) with a Category III
22 weapon is a Class 2 felony or the felony classification
23 provided for the same act while unarmed, whichever permits the
24 greater penalty. A second or subsequent violation of Section
25 33A-2(a) with a Category III weapon is a Class 1 felony or the

1 felony classification provided for the same act while unarmed,
2 whichever permits the greater penalty.

3 (b-5) Violation of Section 33A-2(b) with a firearm that is
4 a Category I or Category II weapon is a Class X felony for
5 which the defendant shall be sentenced to a minimum term of
6 imprisonment of 20 years.

7 (b-10) Violation of Section 33A-2(c) with a firearm that is
8 a Category I or Category II weapon is a Class X felony for
9 which the defendant shall be sentenced to a term of
10 imprisonment of not less than 25 years nor more than 40 years.

11 (c) Unless sentencing under subsection (a) of Section
12 5-4.5-95 of the Unified Code of Corrections (730 ILCS
13 5/5-4.5-95) ~~Section 33B-1~~ is applicable, any person who
14 violates subsection (a) or (b) of Section 33A-2 with a firearm,
15 when that person has been convicted in any state or federal
16 court of 3 or more of the following offenses: treason, first
17 degree murder, second degree murder, predatory criminal sexual
18 assault of a child, aggravated criminal sexual assault,
19 criminal sexual assault, robbery, burglary, arson, kidnaping,
20 aggravated battery resulting in great bodily harm or permanent
21 disability or disfigurement, a violation of the
22 Methamphetamine Control and Community Protection Act, or a
23 violation of Section 401(a) of the Illinois Controlled
24 Substances Act, when the third offense was committed after
25 conviction on the second, the second offense was committed
26 after conviction on the first, and the violation of Section

1 33A-2 was committed after conviction on the third, shall be
2 sentenced to a term of imprisonment of not less than 25 years
3 nor more than 50 years.

4 (c-5) Except as otherwise provided in paragraph (b-10) or
5 (c) of this Section, a person who violates Section 33A-2(a)
6 with a firearm that is a Category I weapon or Section 33A-2(b)
7 in any school, in any conveyance owned, leased, or contracted
8 by a school to transport students to or from school or a school
9 related activity, or on the real property comprising any school
10 or public park, and where the offense was related to the
11 activities of an organized gang, shall be sentenced to a term
12 of imprisonment of not less than the term set forth in
13 subsection (a) or (b-5) of this Section, whichever is
14 applicable, and not more than 30 years. For the purposes of
15 this subsection (c-5), "organized gang" has the meaning
16 ascribed to it in Section 10 of the Illinois Streetgang
17 Terrorism Omnibus Prevention Act.

18 (d) For armed violence based upon a predicate offense
19 listed in this subsection (d) the court shall enter the
20 sentence for armed violence to run consecutively to the
21 sentence imposed for the predicate offense. The offenses
22 covered by this provision are:

- 23 (i) solicitation of murder,
24 (ii) solicitation of murder for hire,
25 (iii) heinous battery,
26 (iv) aggravated battery of a senior citizen,

- 1 (v) (blank),
2 (vi) a violation of subsection (g) of Section 5 of the
3 Cannabis Control Act,
4 (vii) cannabis trafficking,
5 (viii) a violation of subsection (a) of Section 401 of
6 the Illinois Controlled Substances Act,
7 (ix) controlled substance trafficking involving a
8 Class X felony amount of controlled substance under Section
9 401 of the Illinois Controlled Substances Act,
10 (x) calculated criminal drug conspiracy,
11 (xi) streetgang criminal drug conspiracy, or
12 (xii) a violation of the Methamphetamine Control and
13 Community Protection Act.

14 (Source: P.A. 94-556, eff. 9-11-05; 95-688, eff. 10-23-07.)

15 Section 85. The Code of Criminal Procedure of 1963 is
16 amended by changing Sections 104-25 and 111-3 as follows:

17 (725 ILCS 5/104-25) (from Ch. 38, par. 104-25)

18 Sec. 104-25. Discharge hearing.

19 (a) As provided for in paragraph (a) of Section 104-23 and
20 subparagraph (1) of paragraph (b) of Section 104-23 a hearing
21 to determine the sufficiency of the evidence shall be held.
22 Such hearing shall be conducted by the court without a jury.
23 The State and the defendant may introduce evidence relevant to
24 the question of defendant's guilt of the crime charged.

1 The court may admit hearsay or affidavit evidence on
2 secondary matters such as testimony to establish the chain of
3 possession of physical evidence, laboratory reports,
4 authentication of transcripts taken by official reporters,
5 court and business records, and public documents.

6 (b) If the evidence does not prove the defendant guilty
7 beyond a reasonable doubt, the court shall enter a judgment of
8 acquittal; however nothing herein shall prevent the State from
9 requesting the court to commit the defendant to the Department
10 of Human Services under the provisions of the Mental Health and
11 Developmental Disabilities Code.

12 (c) If the defendant is found not guilty by reason of
13 insanity, the court shall enter a judgment of acquittal and the
14 proceedings after acquittal by reason of insanity under Section
15 5-2-4 of the Unified Code of Corrections shall apply.

16 (d) If the discharge hearing does not result in an
17 acquittal of the charge the defendant may be remanded for
18 further treatment and the one year time limit set forth in
19 Section 104-23 shall be extended as follows:

20 (1) If the most serious charge upon which the State
21 sustained its burden of proof was a Class 1 or Class X
22 felony, the treatment period may be extended up to a
23 maximum treatment period of 2 years; if a Class 2, 3, or 4
24 felony, the treatment period may be extended up to a
25 maximum of 15 months;

26 (2) If the State sustained its burden of proof on a

1 charge of first degree murder, the treatment period may be
2 extended up to a maximum treatment period of 5 years.

3 (e) Transcripts of testimony taken at a discharge hearing
4 may be admitted in evidence at a subsequent trial of the case,
5 subject to the rules of evidence, if the witness who gave such
6 testimony is legally unavailable at the time of the subsequent
7 trial.

8 (f) If the court fails to enter an order of acquittal the
9 defendant may appeal from such judgment in the same manner
10 provided for an appeal from a conviction in a criminal case.

11 (g) At the expiration of an extended period of treatment
12 ordered pursuant to this Section:

13 (1) Upon a finding that the defendant is fit or can be
14 rendered fit consistent with Section 104-22, the court may
15 proceed with trial.

16 (2) If the defendant continues to be unfit to stand
17 trial, the court shall determine whether he or she is
18 subject to involuntary admission under the Mental Health
19 and Developmental Disabilities Code or constitutes a
20 serious threat to the public safety. If so found, the
21 defendant shall be remanded to the Department of Human
22 Services for further treatment and shall be treated in the
23 same manner as a civilly committed patient for all
24 purposes, except that the original court having
25 jurisdiction over the defendant shall be required to
26 approve any conditional release or discharge of the

1 defendant, for the period of commitment equal to the
2 maximum sentence to which the defendant would have been
3 subject had he or she been convicted in a criminal
4 proceeding. During this period of commitment, the original
5 court having jurisdiction over the defendant shall hold
6 hearings under clause (i) of this paragraph (2). However,
7 if the defendant is remanded to the Department of Human
8 Services, the defendant shall be placed in a secure setting
9 unless the court determines that there are compelling
10 reasons why such placement is not necessary.

11 If the defendant does not have a current treatment
12 plan, then within 3 days of admission under this
13 subdivision (g) (2), a treatment plan shall be prepared for
14 each defendant and entered into his or her record. The plan
15 shall include (i) an assessment of the defendant's
16 treatment needs, (ii) a description of the services
17 recommended for treatment, (iii) the goals of each type of
18 element of service, (iv) an anticipated timetable for the
19 accomplishment of the goals, and (v) a designation of the
20 qualified professional responsible for the implementation
21 of the plan. The plan shall be reviewed and updated as the
22 clinical condition warrants, but not less than every 30
23 days.

24 Every 90 days after the initial admission under this
25 subdivision (g) (2), the facility director shall file a
26 typed treatment plan report with the original court having

1 jurisdiction over the defendant. The report shall include
2 an opinion as to whether the defendant is fit to stand
3 trial and whether the defendant is currently subject to
4 involuntary admission, in need of mental health services on
5 an inpatient basis, or in need of mental health services on
6 an outpatient basis. The report shall also summarize the
7 basis for those findings and provide a current summary of
8 the 5 items required in a treatment plan. A copy of the
9 report shall be forwarded to the clerk of the court, the
10 State's Attorney, and the defendant's attorney if the
11 defendant is represented by counsel.

12 The court on its own motion may order a hearing to
13 review the treatment plan. The defendant or the State's
14 Attorney may request a treatment plan review every 90 days
15 and the court shall review the current treatment plan to
16 determine whether the plan complies with the requirements
17 of this Section. The court may order an independent
18 examination on its own initiative and shall order such an
19 evaluation if either the recipient or the State's Attorney
20 so requests and has demonstrated to the court that the plan
21 cannot be effectively reviewed by the court without such an
22 examination. Under no circumstances shall the court be
23 required to order an independent examination pursuant to
24 this Section more than once each year. The examination
25 shall be conducted by a psychiatrist or clinical
26 psychologist as defined in Section 1-103 of the Mental

1 Health and Developmental Disabilities Code who is not in
2 the employ of the Department of Human Services.

3 If, during the period within which the defendant is
4 confined in a secure setting, the court enters an order
5 that requires the defendant to appear, the court shall
6 timely transmit a copy of the order or writ to the director
7 of the particular Department of Human Services facility
8 where the defendant resides authorizing the transportation
9 of the defendant to the court for the purpose of the
10 hearing.

11 (i) 180 days after a defendant is remanded to the
12 Department of Human Services, under paragraph (2), and
13 every 180 days thereafter for so long as the defendant
14 is confined under the order entered thereunder, the
15 court shall set a hearing and shall direct that notice
16 of the time and place of the hearing be served upon the
17 defendant, the facility director, the State's
18 Attorney, and the defendant's attorney. If requested
19 by either the State or the defense or if the court
20 determines that it is appropriate, an impartial
21 examination of the defendant by a psychiatrist or
22 clinical psychologist as defined in Section 1-103 of
23 the Mental Health and Developmental Disabilities Code
24 who is not in the employ of the Department of Human
25 Services shall be ordered, and the report considered at
26 the time of the hearing. If the defendant is not

1 currently represented by counsel the court shall
2 appoint the public defender to represent the defendant
3 at the hearing. The court shall make a finding as to
4 whether the defendant is:

5 (A) subject to involuntary admission; or

6 (B) in need of mental health services in the
7 form of inpatient care; or

8 (C) in need of mental health services but not
9 subject to involuntary admission nor inpatient
10 care.

11 The findings of the court shall be established by clear
12 and convincing evidence and the burden of proof and the
13 burden of going forward with the evidence shall rest
14 with the State's Attorney. Upon finding by the court,
15 the court shall enter its findings and an appropriate
16 order.

17 (ii) The terms "subject to involuntary admission",
18 "in need of mental health services in the form of
19 inpatient care" and "in need of mental health services
20 but not subject to involuntary admission nor inpatient
21 care" shall have the meanings ascribed to them in
22 clause (d)(3) of Section 5-2-4 of the Unified Code of
23 Corrections.

24 (3) If the defendant is not committed pursuant to this
25 Section, he or she shall be released.

26 (4) In no event may the treatment period be extended to

1 exceed the maximum sentence to which a defendant would have
2 been subject had he or she been convicted in a criminal
3 proceeding. For purposes of this Section, the maximum
4 sentence shall be determined by Section 5-8-1 (730 ILCS
5 5/5-8-1) or Article 4.5 of Chapter V of the "Unified Code
6 of Corrections", excluding any sentence of natural life.
7 (Source: P.A. 91-536, eff. 1-1-00.)

8 (725 ILCS 5/111-3) (from Ch. 38, par. 111-3)
9 Sec. 111-3. Form of charge.

10 (a) A charge shall be in writing and allege the commission
11 of an offense by:

12 (1) Stating the name of the offense;

13 (2) Citing the statutory provision alleged to have been
14 violated;

15 (3) Setting forth the nature and elements of the
16 offense charged;

17 (4) Stating the date and county of the offense as
18 definitely as can be done; and

19 (5) Stating the name of the accused, if known, and if
20 not known, designate the accused by any name or description
21 by which he can be identified with reasonable certainty.

22 (b) An indictment shall be signed by the foreman of the
23 Grand Jury and an information shall be signed by the State's
24 Attorney and sworn to by him or another. A complaint shall be
25 sworn to and signed by the complainant; Provided, however, that

1 when a citation is issued on a Uniform Traffic Ticket or
2 Uniform Conservation Ticket (in a form prescribed by the
3 Conference of Chief Circuit Judges and filed with the Supreme
4 Court), the copy of such Uniform Ticket which is filed with the
5 circuit court constitutes a complaint to which the defendant
6 may plead, unless he specifically requests that a verified
7 complaint be filed.

8 (c) When the State seeks an enhanced sentence because of a
9 prior conviction, the charge shall also state the intention to
10 seek an enhanced sentence and shall state such prior conviction
11 so as to give notice to the defendant. However, the fact of
12 such prior conviction and the State's intention to seek an
13 enhanced sentence are not elements of the offense and may not
14 be disclosed to the jury during trial unless otherwise
15 permitted by issues properly raised during such trial. For the
16 purposes of this Section, "enhanced sentence" means a sentence
17 which is increased by a prior conviction from one
18 classification of offense to another higher level
19 classification of offense set forth in Section 5-4.5-10 ~~5-5-1~~
20 of the "Unified Code of Corrections (730 ILCS 5/5-4.5-10)",
21 ~~approved July 26, 1972, as amended~~; it does not include an
22 increase in the sentence applied within the same level of
23 classification of offense.

24 (c-5) Notwithstanding any other provision of law, in all
25 cases in which the imposition of the death penalty is not a
26 possibility, if an alleged fact (other than the fact of a prior

1 conviction) is not an element of an offense but is sought to be
2 used to increase the range of penalties for the offense beyond
3 the statutory maximum that could otherwise be imposed for the
4 offense, the alleged fact must be included in the charging
5 instrument or otherwise provided to the defendant through a
6 written notification before trial, submitted to a trier of fact
7 as an aggravating factor, and proved beyond a reasonable doubt.
8 Failure to prove the fact beyond a reasonable doubt is not a
9 bar to a conviction for commission of the offense, but is a bar
10 to increasing, based on that fact, the range of penalties for
11 the offense beyond the statutory maximum that could otherwise
12 be imposed for that offense. Nothing in this subsection (c-5)
13 requires the imposition of a sentence that increases the range
14 of penalties for the offense beyond the statutory maximum that
15 could otherwise be imposed for the offense if the imposition of
16 that sentence is not required by law.

17 (d) At any time prior to trial, the State on motion shall
18 be permitted to amend the charge, whether brought by
19 indictment, information or complaint, to make the charge comply
20 with subsection (c) or (c-5) of this Section. Nothing in
21 Section 103-5 of this Code precludes such an amendment or a
22 written notification made in accordance with subsection (c-5)
23 of this Section.

24 (e) The provisions of subsection (a) of Section 5-4.5-95 of
25 the Unified Code of Corrections (730 ILCS 5/5-4.5-95) Article
26 ~~33B of the Criminal Code of 1961, as amended,~~ shall not be

1 affected by this Section.

2 (Source: P.A. 91-953, eff. 2-23-01.)

3 Section 90. The Unified Code of Corrections is amended by
4 changing Sections 3-3-2.1, 5-1-17, 5-2-6, 5-5-3, 5-5-3.2,
5 5-5-4.3, 5-6-2, 5-6-4, 5-6-4.1, 5-7-8, 5-8-1, 5-8-2, 5-8-4, and
6 5-9-1 as follows:

7 (730 ILCS 5/3-3-2.1) (from Ch. 38, par. 1003-3-2.1)

8 Sec. 3-3-2.1. Prisoner Review Board - Release Date. (a)
9 Except as provided in subsection (b), the Prisoner Review Board
10 shall, no later than 7 days following a prisoner's next parole
11 hearing after the effective date of this Amendatory Act of
12 1977, provide each prisoner sentenced under the law in effect
13 prior to the effective date of this amendatory Act of 1977,
14 with a fixed release date.

15 (b) No release date under this Section shall be set for any
16 person sentenced to an indeterminate sentence under the law in
17 effect prior to the effective date of this amendatory Act of
18 1977 in which the minimum term of such sentence is 20 years or
19 more.

20 (c) The Prisoner Review Board shall notify each eligible
21 offender of his or her release date in a form substantially as
22 follows:

23 Date of Notice

24 "To (Name of offender):

1 Under a recent change in the law you are provided with this
2 choice:

3 (1) You may remain under your present indeterminate
4 sentence and continue to be eligible for parole; or (2) you may
5 waive your right to parole and accept the release date which
6 has been set for you. From this release date will be deducted
7 any good conduct credit you may earn.

8 If you accept the release date established by the Board,
9 you will no longer be eligible for parole.

10 Your release date from prison has been set for: (release
11 date) , subject to a term of mandatory supervised release as
12 provided by law.

13 If you accumulate the maximum amount of good conduct credit
14 as allowed by law recently enacted, you can be released on: ,
15 subject to a term of mandatory supervised release as provided
16 by law.

17 Should you choose not to accept the release date, your next
18 parole hearing will be: .

19 The Board has based its determination of your release date
20 on the following:

21 (1) The material that normally would be examined in
22 connection with your parole hearing, as set forth in paragraph
23 (d) of Section 3-3-4 of the Unified Code of Corrections:

24 (2) the intent of the court in imposing sentence on you;

25 (3) the present schedule of sentences for similar offenses
26 provided by Articles 4.5 and 5 of Chapter V ~~Sections 5-8-1 and~~

1 ~~5-8-2~~ of the Unified Code of Corrections, as amended;

2 (4) the factors in mitigation and aggravation provided by
3 Sections 5-5-3.1 and 5-5-3.2 of the Unified Code of
4 Corrections, as amended;

5 (5) The rate of accumulating good conduct credits provided
6 by Section 3-6-3 of the Unified Code of Corrections, as
7 amended;

8 (6) your behavior since commitment.

9 You now have 60 days in which to decide whether to remain
10 under your indeterminate sentence and continue to be eligible
11 for parole or waive your right to parole and accept the release
12 date established for you by the Board. If you do nothing within
13 60 days, you will remain under the parole system.

14 If you accept the release date, you may accumulate good
15 conduct credit at the maximum rate provided under the law
16 recently enacted.

17 If you feel that the release date set for you is unfair or
18 is not based on complete information required to be considered
19 by the Board, you may request that the Board reconsider the
20 date. In your request you must set forth specific reasons why
21 you feel the Board's release date is unfair and you may submit
22 relevant material in support of your request.

23 The Department of Corrections is obligated to assist you in
24 that effort, if you ask it to do so.

25 The Board will notify you within 60 days whether or not it
26 will reconsider its decision. The Board's decision with respect

1 to reconsidering your release date is final and cannot be
2 appealed to any court.

3 If the Board decides not to reconsider your case you will
4 have 60 days in which to decide whether to accept the release
5 date and waive your right to parole or to continue under the
6 parole system. If you do nothing within 60 days after you
7 receive notification of the Board's decision you will remain
8 under the parole system.

9 If the Board decides to reconsider its decision with
10 respect to your release date, the Board will schedule a date
11 for reconsideration as soon as practicable, but no later than
12 60 days from the date it receives your request, and give you at
13 least 30 days notice. You may submit material to the Board
14 which you believe will be helpful in deciding a proper date for
15 your release. The Department of Corrections is obligated to
16 assist you in that effort, if you ask it to do so.

17 Neither you nor your lawyer has the right to be present on
18 the date of reconsideration, nor the right to call witnesses.
19 However, the Board may ask you or your lawyer to appear or may
20 ask to hear witnesses. The Board will base its determination on
21 the same data on which it made its earlier determination, plus
22 any new information which may be available to it.

23 When the Board has made its decision you will be informed
24 of the release date. In no event will it be longer than the
25 release date originally determined. From this date you may
26 continue to accumulate good conduct credits at the maximum

1 rate. You will not be able to appeal the Board's decision to a
2 court.

3 Following the Board's reconsideration and upon being
4 notified of your release date you will have 60 days in which to
5 decide whether to accept the release date and waive your right
6 to parole or to continue under the parole system. If you do
7 nothing within 60 days after notification of the Board's
8 decision you will remain under the parole system."

9 (d) The Board shall provide each eligible offender with a
10 form substantially as follows:

11 "I (name of offender) am fully aware of my right to choose
12 between parole eligibility and a fixed release date. I know
13 that if I accept the release date established, I will give up
14 my right to seek parole. I have read and understood the
15 Prisoner Review Board's letter, and I know how and under what
16 circumstances the Board has set my release date. I know that I
17 will be released on that date and will be released earlier if I
18 accumulate good conduct credit. I know that the date set by the
19 Board is final, and can't be appealed to a court.

20 Fully aware of all the implications, I expressly and
21 knowingly waive my right to seek parole and accept the release
22 date as established by the Prisoner Review Board."

23 (e) The Board shall use the following information and
24 standards in establishing a release date for each eligible
25 offender who requests that a date be set:

26 (1) Such information as would be considered in a parole

1 hearing under Section 3-3-4 of this Code;

2 (2) The intent of the court in imposing the offender's
3 sentence;

4 (3) The present schedule for similar offenses provided by
5 Articles 4.5 and 5 of Chapter V ~~Sections 5-8-1 and 5-8-2~~ of
6 this Code;

7 (4) Factors in aggravation and mitigation of sentence as
8 provided in Sections 5-5-3.1 and 5-5-3.2 of this Code;

9 (5) The rate of accumulating good conduct credits provided
10 by Section 3-6-3 of this Code;

11 (6) The offender's behavior since commitment to the
12 Department.

13 (f) After the release date is set by the Board, the
14 offender can accumulate good conduct credits in accordance with
15 Section 3-6-3 of this Code.

16 (g) The release date established by the Board shall not be
17 sooner than the earliest date that the offender would have been
18 eligible for release under the sentence imposed on him by the
19 court, less time credit previously earned for good behavior,
20 nor shall it be later than the latest date at which the
21 offender would have been eligible for release under such
22 sentence, less time credit previously earned for good behavior.

23 (h) (1) Except as provided in subsection (b), each prisoner
24 appearing at his next parole hearing subsequent to the
25 effective date of the amendatory Act of 1977, shall be notified
26 within 7 days of the hearing that he will either be released on

1 parole or that a release date has been set by the Board. The
2 notice and waiver form provided for in subsections (c) and (d)
3 shall be presented to eligible prisoners no later than 7 days
4 following their parole hearing. A written statement of the
5 basis for the decision with regard to the release date set
6 shall be given to such prisoners no later than 14 days
7 following the parole hearing.

8 (2) Each prisoner upon notification of his release date
9 shall have 60 days to choose whether to remain under the parole
10 system or to accept the release date established by the Board.
11 No release date shall be effective unless the prisoner waives
12 his right to parole in writing. If no choice is made by such
13 prisoner within 60 days from the date of his notification of a
14 release date, such prisoner shall remain under the parole
15 system.

16 (3) Within the 60 day period as provided in paragraph (2)
17 of this subsection, a prisoner may request that the Board
18 reconsider its decision with regard to such prisoner's release
19 date. No later than 60 days following receipt of such request
20 for reconsideration, the Board shall notify the prisoner as to
21 whether or not it will reconsider such prisoner's release date.
22 No court shall have jurisdiction to review the Board's
23 decision. No prisoner shall be entitled to more than one
24 request for reconsideration of his release date.

25 (A) If the Board decides not to reconsider the release
26 date, the prisoner shall have 60 days to choose whether to

1 remain under the parole system or to accept the release date
2 established by the Board. No release date shall be effective
3 unless the prisoner waives his right to parole in writing. If
4 no choice is made by such prisoner within 60 days from the date
5 of the notification by the Board refusing to reconsider his
6 release date, such prisoner shall remain under the parole
7 system.

8 (B) If the Board decides to reconsider its decision with
9 respect to such release date, the Board shall schedule a date
10 for reconsideration as soon as practicable, but no later than
11 60 days from the date of the prisoner's request, and give such
12 prisoner at least 30 days notice. Such prisoner may submit any
13 relevant material to the Board which would aid in ascertaining
14 a proper release date. The Department of Corrections shall
15 assist any such prisoner if asked to do so.

16 Neither the prisoner nor his lawyer has the right to be
17 present on the date of reconsideration, nor the right to call
18 witnesses. However, the Board may ask such prisoner or his or
19 her lawyer to appear or may ask to hear witnesses. The Board
20 shall base its determination on the factors specified in
21 subsection (e), plus any new information which may be available
22 to it.

23 (C) When the Board has made its decision, the prisoner
24 shall be informed of the release date as provided for in
25 subsection (c) no later than 7 days following the
26 reconsideration. In no event shall such release date be longer

1 than the release date originally determined. The decision of
2 the Board is final. No court shall have jurisdiction to review
3 the Board's decision.

4 Following the Board's reconsideration and its notification
5 to the prisoner of his or her release date, such prisoner shall
6 have 60 days from the date of such notice in which to decide
7 whether to accept the release date and waive his or her right
8 to parole or to continue under the parole system. If such
9 prisoner does nothing within 60 days after notification of the
10 Board's decision, he or she shall remain under the parole
11 system.

12 (Source: P.A. 80-1387.)

13 (730 ILCS 5/5-1-17) (from Ch. 38, par. 1005-1-17)

14 Sec. 5-1-17. Petty Offense.

15 "Petty offense" means any offense for which a sentence of
16 imprisonment is not an authorized disposition ~~to a fine only is~~
17 ~~provided.~~

18 (Source: P.A. 77-2097.)

19 (730 ILCS 5/5-2-6) (from Ch. 38, par. 1005-2-6)

20 Sec. 5-2-6. Sentencing and Treatment of Defendant Found
21 Guilty but Mentally Ill.

22 (a) After a plea or verdict of guilty but mentally ill
23 under Sections 115-2, 115-3 or 115-4 of the Code of Criminal
24 Procedure of 1963, the court shall order a presentence

1 investigation and report pursuant to Sections 5-3-1 and 5-3-2
2 of this Act, and shall set a date for a sentencing hearing. The
3 court may impose any sentence upon the defendant which could be
4 imposed pursuant to law upon a defendant who had been convicted
5 of the same offense without a finding of mental illness.

6 (b) If the court imposes a sentence of imprisonment upon a
7 defendant who has been found guilty but mentally ill, the
8 defendant shall be committed to the Department of Corrections,
9 which shall cause periodic inquiry and examination to be made
10 concerning the nature, extent, continuance, and treatment of
11 the defendant's mental illness. The Department of Corrections
12 shall provide such psychiatric, psychological, or other
13 counseling and treatment for the defendant as it determines
14 necessary.

15 (c) The Department of Corrections may transfer the
16 defendant's custody to the Department of Human Services in
17 accordance with the provisions of Section 3-8-5 of this Act.

18 (d) (1) The Department of Human Services shall return to
19 the Department of Corrections any person committed to it
20 pursuant to this Section whose sentence has not expired and
21 whom the Department of Human Services deems no longer requires
22 hospitalization for mental treatment, mental retardation, or
23 addiction.

24 (2) The Department of Corrections shall notify the
25 Secretary of Human Services of the expiration of the sentence
26 of any person transferred to the Department of Human Services

1 under this Section. If the Department of Human Services
2 determines that any such person requires further
3 hospitalization, it shall file an appropriate petition for
4 involuntary commitment pursuant to the Mental Health and
5 Developmental Disabilities Code.

6 (e) (1) All persons found guilty but mentally ill, whether
7 by plea or by verdict, who are placed on probation or sentenced
8 to a term of periodic imprisonment or a period of conditional
9 discharge shall be required to submit to a course of mental
10 treatment prescribed by the sentencing court.

11 (2) The course of treatment prescribed by the court shall
12 reasonably assure the defendant's satisfactory progress in
13 treatment or habilitation and for the safety of the defendant
14 and others. The court shall consider terms, conditions and
15 supervision which may include, but need not be limited to,
16 notification and discharge of the person to the custody of his
17 family, community adjustment programs, periodic checks with
18 legal authorities and outpatient care and utilization of local
19 mental health or developmental disabilities facilities.

20 (3) Failure to continue treatment, except by agreement with
21 the treating person or agency and the court, shall be a basis
22 for the institution of probation revocation proceedings.

23 (4) The period of probation shall be in accordance with
24 Article 4.5 of Chapter V of this Code ~~Section 5-6-2 of this Act~~
25 and shall not be shortened without receipt and consideration of
26 such psychiatric or psychological report or reports as the

1 court may require.

2 (Source: P.A. 89-507, eff. 7-1-97.)

3 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

4 Sec. 5-5-3. Disposition.

5 (a) (Blank.) ~~Except as provided in Section 11 501 of the~~
6 ~~Illinois Vehicle Code, every person convicted of an offense~~
7 ~~shall be sentenced as provided in this Section.~~

8 (b) (Blank.) ~~The following options shall be appropriate~~
9 ~~dispositions, alone or in combination, for all felonies and~~
10 ~~misdemeanors other than those identified in subsection (c) of~~
11 ~~this Section:~~

12 ~~(1) A period of probation.~~

13 ~~(2) A term of periodic imprisonment.~~

14 ~~(3) A term of conditional discharge.~~

15 ~~(4) A term of imprisonment.~~

16 ~~(5) An order directing the offender to clean up and~~
17 ~~repair the damage, if the offender was convicted under~~
18 ~~paragraph (h) of Section 21-1 of the Criminal Code of 1961~~
19 ~~(now repealed).~~

20 ~~(6) A fine.~~

21 ~~(7) An order directing the offender to make restitution~~
22 ~~to the victim under Section 5-5-6 of this Code.~~

23 ~~(8) A sentence of participation in a county impact~~
24 ~~incarceration program under Section 5-8-1.2 of this Code.~~

25 ~~(9) A term of imprisonment in combination with a term~~

1 ~~of probation when the offender has been admitted into a~~
2 ~~drug court program under Section 20 of the Drug Court~~
3 ~~Treatment Act.~~

4 ~~Neither a fine nor restitution shall be the sole~~
5 ~~disposition for a felony and either or both may be imposed only~~
6 ~~in conjunction with another disposition.~~

7 (c) (1) (Blank.) ~~When a defendant is found guilty of first~~
8 ~~degree murder the State may either seek a sentence of~~
9 ~~imprisonment under Section 5-8-1 of this Code, or where~~
10 ~~appropriate seek a sentence of death under Section 9-1 of~~
11 ~~the Criminal Code of 1961.~~

12 (2) A period of probation, a term of periodic
13 imprisonment or conditional discharge shall not be imposed
14 for the following offenses. The court shall sentence the
15 offender to not less than the minimum term of imprisonment
16 set forth in this Code for the following offenses, and may
17 order a fine or restitution or both in conjunction with
18 such term of imprisonment:

19 (A) First degree murder where the death penalty is
20 not imposed.

21 (B) Attempted first degree murder.

22 (C) A Class X felony.

23 (D) A violation of Section 401.1 or 407 of the
24 Illinois Controlled Substances Act, or a violation of
25 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
26 of that Act which relates to more than 5 grams of a

1 substance containing heroin, cocaine, fentanyl, or an
2 analog thereof.

3 (E) A violation of Section 5.1 or 9 of the Cannabis
4 Control Act.

5 (F) A Class 2 or greater felony if the offender had
6 been convicted of a Class 2 or greater felony,
7 including any state or federal conviction for an
8 offense that contained, at the time it was committed,
9 the same elements as an offense now (the date of the
10 offense committed after the prior Class 2 or greater
11 felony) classified as a Class 2 or greater felony,
12 within 10 years of the date on which the offender
13 committed the offense for which he or she is being
14 sentenced, except as otherwise provided in Section
15 40-10 of the Alcoholism and Other Drug Abuse and
16 Dependency Act.

17 (F-5) A violation of Section 24-1, 24-1.1, or
18 24-1.6 of the Criminal Code of 1961 for which
19 imprisonment is prescribed in those Sections.

20 (G) Residential burglary, except as otherwise
21 provided in Section 40-10 of the Alcoholism and Other
22 Drug Abuse and Dependency Act.

23 (H) Criminal sexual assault.

24 (I) Aggravated battery of a senior citizen.

25 (J) A forcible felony if the offense was related to
26 the activities of an organized gang.

1 Before July 1, 1994, for the purposes of this
2 paragraph, "organized gang" means an association of 5
3 or more persons, with an established hierarchy, that
4 encourages members of the association to perpetrate
5 crimes or provides support to the members of the
6 association who do commit crimes.

7 Beginning July 1, 1994, for the purposes of this
8 paragraph, "organized gang" has the meaning ascribed
9 to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 (K) Vehicular hijacking.

12 (L) A second or subsequent conviction for the
13 offense of hate crime when the underlying offense upon
14 which the hate crime is based is felony aggravated
15 assault or felony mob action.

16 (M) A second or subsequent conviction for the
17 offense of institutional vandalism if the damage to the
18 property exceeds \$300.

19 (N) A Class 3 felony violation of paragraph (1) of
20 subsection (a) of Section 2 of the Firearm Owners
21 Identification Card Act.

22 (O) A violation of Section 12-6.1 of the Criminal
23 Code of 1961.

24 (P) A violation of paragraph (1), (2), (3), (4),
25 (5), or (7) of subsection (a) of Section 11-20.1 of the
26 Criminal Code of 1961.

1 (Q) A violation of Section 20-1.2 or 20-1.3 of the
2 Criminal Code of 1961.

3 (R) A violation of Section 24-3A of the Criminal
4 Code of 1961.

5 (S) (Blank).

6 (T) A second or subsequent violation of the
7 Methamphetamine Control and Community Protection Act.

8 (U) A second or subsequent violation of Section
9 6-303 of the Illinois Vehicle Code committed while his
10 or her driver's license, permit, or privilege was
11 revoked because of a violation of Section 9-3 of the
12 Criminal Code of 1961, relating to the offense of
13 reckless homicide, or a similar provision of a law of
14 another state.

15 (V) A violation of paragraph (4) of subsection (c)
16 of Section 11-20.3 of the Criminal Code of 1961.

17 (W) A violation of Section 24-3.5 of the Criminal
18 Code of 1961.

19 (3) (Blank).

20 (4) A minimum term of imprisonment of not less than 10
21 consecutive days or 30 days of community service shall be
22 imposed for a violation of paragraph (c) of Section 6-303
23 of the Illinois Vehicle Code.

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8)
26 of this subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of Section
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300
4 hours of community service, as determined by the court,
5 shall be imposed for a second violation of subsection (c)
6 of Section 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraphs (4.5), (4.6),
8 and (4.9) of this subsection (c), a minimum term of
9 imprisonment of 30 days or 300 hours of community service,
10 as determined by the court, shall be imposed for a third or
11 subsequent violation of Section 6-303 of the Illinois
12 Vehicle Code.

13 (4.5) A minimum term of imprisonment of 30 days shall
14 be imposed for a third violation of subsection (c) of
15 Section 6-303 of the Illinois Vehicle Code.

16 (4.6) Except as provided in paragraph (4.10) of this
17 subsection (c), a minimum term of imprisonment of 180 days
18 shall be imposed for a fourth or subsequent violation of
19 subsection (c) of Section 6-303 of the Illinois Vehicle
20 Code.

21 (4.7) A minimum term of imprisonment of not less than
22 30 consecutive days, or 300 hours of community service,
23 shall be imposed for a violation of subsection (a-5) of
24 Section 6-303 of the Illinois Vehicle Code, as provided in
25 subsection (b-5) of that Section.

26 (4.8) A mandatory prison sentence shall be imposed for

1 a second violation of subsection (a-5) of Section 6-303 of
2 the Illinois Vehicle Code, as provided in subsection (c-5)
3 of that Section. The person's driving privileges shall be
4 revoked for a period of not less than 5 years from the date
5 of his or her release from prison.

6 (4.9) A mandatory prison sentence of not less than 4
7 and not more than 15 years shall be imposed for a third
8 violation of subsection (a-5) of Section 6-303 of the
9 Illinois Vehicle Code, as provided in subsection (d-2.5) of
10 that Section. The person's driving privileges shall be
11 revoked for the remainder of his or her life.

12 (4.10) A mandatory prison sentence for a Class 1 felony
13 shall be imposed, and the person shall be eligible for an
14 extended term sentence, for a fourth or subsequent
15 violation of subsection (a-5) of Section 6-303 of the
16 Illinois Vehicle Code, as provided in subsection (d-3.5) of
17 that Section. The person's driving privileges shall be
18 revoked for the remainder of his or her life.

19 (5) The court may sentence ~~an offender convicted of a~~
20 ~~business offense or a petty offense or~~ a corporation or
21 unincorporated association convicted of any offense to:

22 (A) a period of conditional discharge;

23 (B) a fine;

24 (C) make restitution to the victim under Section
25 5-5-6 of this Code.

26 (5.1) In addition to any other penalties imposed ~~under~~

1 ~~paragraph (5) of this subsection (e)~~, and except as
2 provided in paragraph (5.2) or (5.3), a person convicted of
3 violating subsection (c) of Section 11-907 of the Illinois
4 Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for at least 90 days but
6 not more than one year, if the violation resulted in damage
7 to the property of another person.

8 (5.2) In addition to any other penalties imposed ~~under~~
9 ~~paragraph (5) of this subsection (e)~~, and except as
10 provided in paragraph (5.3), a person convicted of
11 violating subsection (c) of Section 11-907 of the Illinois
12 Vehicle Code shall have his or her driver's license,
13 permit, or privileges suspended for at least 180 days but
14 not more than 2 years, if the violation resulted in injury
15 to another person.

16 (5.3) In addition to any other penalties imposed ~~under~~
17 ~~paragraph (5) of this subsection (e)~~, a person convicted of
18 violating subsection (c) of Section 11-907 of the Illinois
19 Vehicle Code shall have his or her driver's license,
20 permit, or privileges suspended for 2 years, if the
21 violation resulted in the death of another person.

22 (5.4) In addition to any other penalties imposed ~~under~~
23 ~~paragraph (5) of this subsection (e)~~, a person convicted of
24 violating Section 3-707 of the Illinois Vehicle Code shall
25 have his or her driver's license, permit, or privileges
26 suspended for 3 months and until he or she has paid a

1 reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed ~~under~~
3 ~~paragraph (5) of this subsection (c)~~, a person convicted of
4 violating Section 3-707 of the Illinois Vehicle Code during
5 a period in which his or her driver's license, permit, or
6 privileges were suspended for a previous violation of that
7 Section shall have his or her driver's license, permit, or
8 privileges suspended for an additional 6 months after the
9 expiration of the original 3-month suspension and until he
10 or she has paid a reinstatement fee of \$100.

11 (6) (Blank.) ~~In no case shall an offender be eligible~~
12 ~~for a disposition of probation or conditional discharge for~~
13 ~~a Class 1 felony committed while he was serving a term of~~
14 ~~probation or conditional discharge for a felony.~~

15 (7) (Blank.) ~~When a defendant is adjudged a habitual~~
16 ~~criminal under Article 33B of the Criminal Code of 1961,~~
17 ~~the court shall sentence the defendant to a term of natural~~
18 ~~life imprisonment.~~

19 (8) (Blank.) ~~When a defendant, over the age of 21~~
20 ~~years, is convicted of a Class 1 or Class 2 felony, after~~
21 ~~having twice been convicted in any state or federal court~~
22 ~~of an offense that contains the same elements as an offense~~
23 ~~now classified in Illinois as a Class 2 or greater Class~~
24 ~~felony and such charges are separately brought and tried~~
25 ~~and arise out of different series of acts, such defendant~~
26 ~~shall be sentenced as a Class X offender. This paragraph~~

1 ~~shall not apply unless (1) the first felony was committed~~
2 ~~after the effective date of this amendatory Act of 1977;~~
3 ~~and (2) the second felony was committed after conviction on~~
4 ~~the first; and (3) the third felony was committed after~~
5 ~~conviction on the second. A person sentenced as a Class X~~
6 ~~offender under this paragraph is not eligible to apply for~~
7 ~~treatment as a condition of probation as provided by~~
8 ~~Section 40-10 of the Alcoholism and Other Drug Abuse and~~
9 ~~Dependency Act.~~

10 (9) A defendant convicted of a second or subsequent
11 offense of ritualized abuse of a child may be sentenced to
12 a term of natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000
15 for a first offense and \$2,000 for a second or subsequent
16 offense upon a person convicted of or placed on supervision
17 for battery when the individual harmed was a sports
18 official or coach at any level of competition and the act
19 causing harm to the sports official or coach occurred
20 within an athletic facility or within the immediate
21 vicinity of the athletic facility at which the sports
22 official or coach was an active participant of the athletic
23 contest held at the athletic facility. For the purposes of
24 this paragraph (11), "sports official" means a person at an
25 athletic contest who enforces the rules of the contest,
26 such as an umpire or referee; "athletic facility" means an

1 indoor or outdoor playing field or recreational area where
2 sports activities are conducted; and "coach" means a person
3 recognized as a coach by the sanctioning authority that
4 conducted the sporting event.

5 (12) A person may not receive a disposition of court
6 supervision for a violation of Section 5-16 of the Boat
7 Registration and Safety Act if that person has previously
8 received a disposition of court supervision for a violation
9 of that Section.

10 (13) A person convicted of or placed on court
11 supervision for an assault or aggravated assault when the
12 victim and the offender are family or household members as
13 defined in Section 103 of the Illinois Domestic Violence
14 Act of 1986 or convicted of domestic battery or aggravated
15 domestic battery may be required to attend a Partner Abuse
16 Intervention Program under protocols set forth by the
17 Illinois Department of Human Services under such terms and
18 conditions imposed by the court. The costs of such classes
19 shall be paid by the offender.

20 (d) In any case in which a sentence originally imposed is
21 vacated, the case shall be remanded to the trial court. The
22 trial court shall hold a hearing under Section 5-4-1 of the
23 Unified Code of Corrections which may include evidence of the
24 defendant's life, moral character and occupation during the
25 time since the original sentence was passed. The trial court
26 shall then impose sentence upon the defendant. The trial court

1 may impose any sentence which could have been imposed at the
2 original trial subject to Section 5-5-4 of the Unified Code of
3 Corrections. If a sentence is vacated on appeal or on
4 collateral attack due to the failure of the trier of fact at
5 trial to determine beyond a reasonable doubt the existence of a
6 fact (other than a prior conviction) necessary to increase the
7 punishment for the offense beyond the statutory maximum
8 otherwise applicable, either the defendant may be re-sentenced
9 to a term within the range otherwise provided or, if the State
10 files notice of its intention to again seek the extended
11 sentence, the defendant shall be afforded a new trial.

12 (e) In cases where prosecution for aggravated criminal
13 sexual abuse under Section 12-16 of the Criminal Code of 1961
14 results in conviction of a defendant who was a family member of
15 the victim at the time of the commission of the offense, the
16 court shall consider the safety and welfare of the victim and
17 may impose a sentence of probation only where:

18 (1) the court finds (A) or (B) or both are appropriate:

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of 2
21 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of paying
11 for such services, if the victim was under 18 years of age
12 at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 12-12 of the Criminal Code of 1961.

24 (f) (Blank.) ~~This Article shall not deprive a court in~~
25 ~~other proceedings to order a forfeiture of property, to suspend~~
26 ~~or cancel a license, to remove a person from office, or to~~

1 ~~impose any other civil penalty.~~

2 (g) Whenever a defendant is convicted of an offense under
3 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
4 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
5 of the Criminal Code of 1961, the defendant shall undergo
6 medical testing to determine whether the defendant has any
7 sexually transmissible disease, including a test for infection
8 with human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested by
23 the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the test
26 results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of
2 Public Health facilities to all parties to whom the results of
3 the testing are revealed and shall direct the State's Attorney
4 to provide the information to the victim when possible. A
5 State's Attorney may petition the court to obtain the results
6 of any HIV test administered under this Section, and the court
7 shall grant the disclosure if the State's Attorney shows it is
8 relevant in order to prosecute a charge of criminal
9 transmission of HIV under Section 12-16.2 of the Criminal Code
10 of 1961 against the defendant. The court shall order that the
11 cost of any such test shall be paid by the county and may be
12 taxed as costs against the convicted defendant.

13 (g-5) When an inmate is tested for an airborne communicable
14 disease, as determined by the Illinois Department of Public
15 Health including but not limited to tuberculosis, the results
16 of the test shall be personally delivered by the warden or his
17 or her designee in a sealed envelope to the judge of the court
18 in which the inmate must appear for the judge's inspection in
19 camera if requested by the judge. Acting in accordance with the
20 best interests of those in the courtroom, the judge shall have
21 the discretion to determine what if any precautions need to be
22 taken to prevent transmission of the disease in the courtroom.

23 (h) Whenever a defendant is convicted of an offense under
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has been exposed to human immunodeficiency virus

1 (HIV) or any other identified causative agent of acquired
2 immunodeficiency syndrome (AIDS). Except as otherwise provided
3 by law, the results of such test shall be kept strictly
4 confidential by all medical personnel involved in the testing
5 and must be personally delivered in a sealed envelope to the
6 judge of the court in which the conviction was entered for the
7 judge's inspection in camera. Acting in accordance with the
8 best interests of the public, the judge shall have the
9 discretion to determine to whom, if anyone, the results of the
10 testing may be revealed. The court shall notify the defendant
11 of a positive test showing an infection with the human
12 immunodeficiency virus (HIV). The court shall provide
13 information on the availability of HIV testing and counseling
14 at Department of Public Health facilities to all parties to
15 whom the results of the testing are revealed and shall direct
16 the State's Attorney to provide the information to the victim
17 when possible. A State's Attorney may petition the court to
18 obtain the results of any HIV test administered under this
19 Section, and the court shall grant the disclosure if the
20 State's Attorney shows it is relevant in order to prosecute a
21 charge of criminal transmission of HIV under Section 12-16.2 of
22 the Criminal Code of 1961 against the defendant. The court
23 shall order that the cost of any such test shall be paid by the
24 county and may be taxed as costs against the convicted
25 defendant.

26 (i) All fines and penalties imposed under this Section for

1 any violation of Chapters 3, 4, 6, and 11 of the Illinois
2 Vehicle Code, or a similar provision of a local ordinance, and
3 any violation of the Child Passenger Protection Act, or a
4 similar provision of a local ordinance, shall be collected and
5 disbursed by the circuit clerk as provided under Section 27.5
6 of the Clerks of Courts Act.

7 (j) In cases when prosecution for any violation of Section
8 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
10 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
11 Code of 1961, any violation of the Illinois Controlled
12 Substances Act, any violation of the Cannabis Control Act, or
13 any violation of the Methamphetamine Control and Community
14 Protection Act results in conviction, a disposition of court
15 supervision, or an order of probation granted under Section 10
16 of the Cannabis Control Act, Section 410 of the Illinois
17 Controlled Substance Act, or Section 70 of the Methamphetamine
18 Control and Community Protection Act of a defendant, the court
19 shall determine whether the defendant is employed by a facility
20 or center as defined under the Child Care Act of 1969, a public
21 or private elementary or secondary school, or otherwise works
22 with children under 18 years of age on a daily basis. When a
23 defendant is so employed, the court shall order the Clerk of
24 the Court to send a copy of the judgment of conviction or order
25 of supervision or probation to the defendant's employer by
26 certified mail. If the employer of the defendant is a school,

1 the Clerk of the Court shall direct the mailing of a copy of
2 the judgment of conviction or order of supervision or probation
3 to the appropriate regional superintendent of schools. The
4 regional superintendent of schools shall notify the State Board
5 of Education of any notification under this subsection.

6 (j-5) A defendant at least 17 years of age who is convicted
7 of a felony and who has not been previously convicted of a
8 misdemeanor or felony and who is sentenced to a term of
9 imprisonment in the Illinois Department of Corrections shall as
10 a condition of his or her sentence be required by the court to
11 attend educational courses designed to prepare the defendant
12 for a high school diploma and to work toward a high school
13 diploma or to work toward passing the high school level Test of
14 General Educational Development (GED) or to work toward
15 completing a vocational training program offered by the
16 Department of Corrections. If a defendant fails to complete the
17 educational training required by his or her sentence during the
18 term of incarceration, the Prisoner Review Board shall, as a
19 condition of mandatory supervised release, require the
20 defendant, at his or her own expense, to pursue a course of
21 study toward a high school diploma or passage of the GED test.
22 The Prisoner Review Board shall revoke the mandatory supervised
23 release of a defendant who wilfully fails to comply with this
24 subsection (j-5) upon his or her release from confinement in a
25 penal institution while serving a mandatory supervised release
26 term; however, the inability of the defendant after making a

1 good faith effort to obtain financial aid or pay for the
2 educational training shall not be deemed a wilful failure to
3 comply. The Prisoner Review Board shall recommit the defendant
4 whose mandatory supervised release term has been revoked under
5 this subsection (j-5) as provided in Section 3-3-9. This
6 subsection (j-5) does not apply to a defendant who has a high
7 school diploma or has successfully passed the GED test. This
8 subsection (j-5) does not apply to a defendant who is
9 determined by the court to be developmentally disabled or
10 otherwise mentally incapable of completing the educational or
11 vocational program.

12 (k) (Blank.) ~~A court may not impose a sentence or~~
13 ~~disposition for a felony or misdemeanor that requires the~~
14 ~~defendant to be implanted or injected with or to use any form~~
15 ~~of birth control.~~

16 (l) (A) Except as provided in paragraph (C) of subsection
17 (l), whenever a defendant, who is an alien as defined by
18 the Immigration and Nationality Act, is convicted of any
19 felony or misdemeanor offense, the court after sentencing
20 the defendant may, upon motion of the State's Attorney,
21 hold sentence in abeyance and remand the defendant to the
22 custody of the Attorney General of the United States or his
23 or her designated agent to be deported when:

24 (1) a final order of deportation has been issued
25 against the defendant pursuant to proceedings under
26 the Immigration and Nationality Act, and

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct
3 and would not be inconsistent with the ends of justice.
4 Otherwise, the defendant shall be sentenced as
5 provided in this Chapter V.

6 (B) If the defendant has already been sentenced for a
7 felony or misdemeanor offense, or has been placed on
8 probation under Section 10 of the Cannabis Control Act,
9 Section 410 of the Illinois Controlled Substances Act, or
10 Section 70 of the Methamphetamine Control and Community
11 Protection Act, the court may, upon motion of the State's
12 Attorney to suspend the sentence imposed, commit the
13 defendant to the custody of the Attorney General of the
14 United States or his or her designated agent when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under
17 the Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct
20 and would not be inconsistent with the ends of justice.

21 (C) This subsection (1) does not apply to offenders who
22 are subject to the provisions of paragraph (2) of
23 subsection (a) of Section 3-6-3.

24 (D) Upon motion of the State's Attorney, if a defendant
25 sentenced under this Section returns to the jurisdiction of
26 the United States, the defendant shall be recommitted to

1 the custody of the county from which he or she was
2 sentenced. Thereafter, the defendant shall be brought
3 before the sentencing court, which may impose any sentence
4 that was available under Section 5-5-3 at the time of
5 initial sentencing. In addition, the defendant shall not be
6 eligible for additional good conduct credit for
7 meritorious service as provided under Section 3-6-6.

8 (m) A person convicted of criminal defacement of property
9 under Section 21-1.3 of the Criminal Code of 1961, in which the
10 property damage exceeds \$300 and the property damaged is a
11 school building, shall be ordered to perform community service
12 that may include cleanup, removal, or painting over the
13 defacement.

14 (n) The court may sentence a person convicted of a
15 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
16 Code of 1961 (i) to an impact incarceration program if the
17 person is otherwise eligible for that program under Section
18 5-8-1.1, (ii) to community service, or (iii) if the person is
19 an addict or alcoholic, as defined in the Alcoholism and Other
20 Drug Abuse and Dependency Act, to a substance or alcohol abuse
21 program licensed under that Act.

22 (o) Whenever a person is convicted of a sex offense as
23 defined in Section 2 of the Sex Offender Registration Act, the
24 defendant's driver's license or permit shall be subject to
25 renewal on an annual basis in accordance with the provisions of
26 license renewal established by the Secretary of State.

1 (Source: P.A. 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; 94-993,
2 eff. 1-1-07; 94-1035, eff. 7-1-07; 95-188, eff. 8-16-07;
3 95-259, eff. 8-17-07; 95-331, eff. 8-21-07; 95-377, eff.
4 1-1-08; 95-579, eff. 6-1-08; 95-876, eff. 8-21-08; 95-882, eff.
5 1-1-09.)

6 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

7 Sec. 5-5-3.2. Factors in Aggravation.

8 (a) The following factors shall be accorded weight in favor
9 of imposing a term of imprisonment or may be considered by the
10 court as reasons to impose a more severe sentence under Section
11 5-8-1 or Article 4.5 of Chapter V:

12 (1) the defendant's conduct caused or threatened
13 serious harm;

14 (2) the defendant received compensation for committing
15 the offense;

16 (3) the defendant has a history of prior delinquency or
17 criminal activity;

18 (4) the defendant, by the duties of his office or by
19 his position, was obliged to prevent the particular offense
20 committed or to bring the offenders committing it to
21 justice;

22 (5) the defendant held public office at the time of the
23 offense, and the offense related to the conduct of that
24 office;

25 (6) the defendant utilized his professional reputation

1 or position in the community to commit the offense, or to
2 afford him an easier means of committing it;

3 (7) the sentence is necessary to deter others from
4 committing the same crime;

5 (8) the defendant committed the offense against a
6 person 60 years of age or older or such person's property;

7 (9) the defendant committed the offense against a
8 person who is physically handicapped or such person's
9 property;

10 (10) by reason of another individual's actual or
11 perceived race, color, creed, religion, ancestry, gender,
12 sexual orientation, physical or mental disability, or
13 national origin, the defendant committed the offense
14 against (i) the person or property of that individual; (ii)
15 the person or property of a person who has an association
16 with, is married to, or has a friendship with the other
17 individual; or (iii) the person or property of a relative
18 (by blood or marriage) of a person described in clause (i)
19 or (ii). For the purposes of this Section, "sexual
20 orientation" means heterosexuality, homosexuality, or
21 bisexuality;

22 (11) the offense took place in a place of worship or on
23 the grounds of a place of worship, immediately prior to,
24 during or immediately following worship services. For
25 purposes of this subparagraph, "place of worship" shall
26 mean any church, synagogue or other building, structure or

1 place used primarily for religious worship;

2 (12) the defendant was convicted of a felony committed
3 while he was released on bail or his own recognizance
4 pending trial for a prior felony and was convicted of such
5 prior felony, or the defendant was convicted of a felony
6 committed while he was serving a period of probation,
7 conditional discharge, or mandatory supervised release
8 under subsection (d) of Section 5-8-1 for a prior felony;

9 (13) the defendant committed or attempted to commit a
10 felony while he was wearing a bulletproof vest. For the
11 purposes of this paragraph (13), a bulletproof vest is any
12 device which is designed for the purpose of protecting the
13 wearer from bullets, shot or other lethal projectiles;

14 (14) the defendant held a position of trust or
15 supervision such as, but not limited to, family member as
16 defined in Section 12-12 of the Criminal Code of 1961,
17 teacher, scout leader, baby sitter, or day care worker, in
18 relation to a victim under 18 years of age, and the
19 defendant committed an offense in violation of Section
20 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,
21 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961
22 against that victim;

23 (15) the defendant committed an offense related to the
24 activities of an organized gang. For the purposes of this
25 factor, "organized gang" has the meaning ascribed to it in
26 Section 10 of the Streetgang Terrorism Omnibus Prevention

1 Act;

2 (16) the defendant committed an offense in violation of
3 one of the following Sections while in a school, regardless
4 of the time of day or time of year; on any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related activity; on
7 the real property of a school; or on a public way within
8 1,000 feet of the real property comprising any school:
9 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
10 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
11 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
12 33A-2 of the Criminal Code of 1961;

13 (16.5) the defendant committed an offense in violation
14 of one of the following Sections while in a day care
15 center, regardless of the time of day or time of year; on
16 the real property of a day care center, regardless of the
17 time of day or time of year; or on a public way within
18 1,000 feet of the real property comprising any day care
19 center, regardless of the time of day or time of year:
20 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or
23 33A-2 of the Criminal Code of 1961;

24 (17) the defendant committed the offense by reason of
25 any person's activity as a community policing volunteer or
26 to prevent any person from engaging in activity as a

1 community policing volunteer. For the purpose of this
2 Section, "community policing volunteer" has the meaning
3 ascribed to it in Section 2-3.5 of the Criminal Code of
4 1961;

5 (18) the defendant committed the offense in a nursing
6 home or on the real property comprising a nursing home. For
7 the purposes of this paragraph (18), "nursing home" means a
8 skilled nursing or intermediate long term care facility
9 that is subject to license by the Illinois Department of
10 Public Health under the Nursing Home Care Act;

11 (19) the defendant was a federally licensed firearm
12 dealer and was previously convicted of a violation of
13 subsection (a) of Section 3 of the Firearm Owners
14 Identification Card Act and has now committed either a
15 felony violation of the Firearm Owners Identification Card
16 Act or an act of armed violence while armed with a firearm;

17 (20) the defendant (i) committed the offense of
18 reckless homicide under Section 9-3 of the Criminal Code of
19 1961 or the offense of driving under the influence of
20 alcohol, other drug or drugs, intoxicating compound or
21 compounds or any combination thereof under Section 11-501
22 of the Illinois Vehicle Code or a similar provision of a
23 local ordinance and (ii) was operating a motor vehicle in
24 excess of 20 miles per hour over the posted speed limit as
25 provided in Article VI of Chapter 11 of the Illinois
26 Vehicle Code;

1 (21) the defendant (i) committed the offense of
2 reckless driving or aggravated reckless driving under
3 Section 11-503 of the Illinois Vehicle Code and (ii) was
4 operating a motor vehicle in excess of 20 miles per hour
5 over the posted speed limit as provided in Article VI of
6 Chapter 11 of the Illinois Vehicle Code;

7 (22) the defendant committed the offense against a
8 person that the defendant knew, or reasonably should have
9 known, was a member of the Armed Forces of the United
10 States serving on active duty. For purposes of this clause
11 (22), the term "Armed Forces" means any of the Armed Forces
12 of the United States, including a member of any reserve
13 component thereof or National Guard unit called to active
14 duty; ~~or~~

15 (23) the defendant committed the offense against a
16 person who was elderly, disabled, or infirm by taking
17 advantage of a family or fiduciary relationship with the
18 elderly, disabled, or infirm person; or.

19 (24) ~~(22)~~ the defendant committed any offense under
20 Section 11-20.1 of the Criminal Code of 1961 and possessed
21 100 or more images.

22 For the purposes of this Section:

23 "School" is defined as a public or private elementary or
24 secondary school, community college, college, or university.

25 "Day care center" means a public or private State certified
26 and licensed day care center as defined in Section 2.09 of the

1 Child Care Act of 1969 that displays a sign in plain view
2 stating that the property is a day care center.

3 (b) The following factors, related to all felonies, may be
4 considered by the court as reasons to impose an extended term
5 sentence under Section 5-8-2 upon any offender:

6 (1) When a defendant is convicted of any felony, after
7 having been previously convicted in Illinois or any other
8 jurisdiction of the same or similar class felony or greater
9 class felony, when such conviction has occurred within 10
10 years after the previous conviction, excluding time spent
11 in custody, and such charges are separately brought and
12 tried and arise out of different series of acts; or

13 (2) When a defendant is convicted of any felony and the
14 court finds that the offense was accompanied by
15 exceptionally brutal or heinous behavior indicative of
16 wanton cruelty; or

17 ~~(3) When a defendant is convicted of voluntary~~
18 ~~manslaughter, second degree murder, involuntary~~
19 ~~manslaughter or reckless homicide in which the defendant~~
20 ~~has been convicted of causing the death of more than one~~
21 ~~individual; or~~

22 (3) ~~(4)~~ When a defendant is convicted of any felony
23 committed against:

24 (i) a person under 12 years of age at the time of
25 the offense or such person's property;

26 (ii) a person 60 years of age or older at the time

1 of the offense or such person's property; or

2 (iii) a person physically handicapped at the time
3 of the offense or such person's property; or

4 ~~(5) In the case of a defendant convicted of aggravated~~
5 ~~criminal sexual assault or criminal sexual assault, when~~
6 ~~the court finds that aggravated criminal sexual assault or~~
7 ~~criminal sexual assault was also committed on the same~~
8 ~~victim by one or more other individuals, and the defendant~~
9 ~~voluntarily participated in the crime with the knowledge of~~
10 ~~the participation of the others in the crime, and the~~
11 ~~commission of the crime was part of a single course of~~
12 ~~conduct during which there was no substantial change in the~~
13 ~~nature of the criminal objective; or~~

14 (4) ~~(6)~~ When a defendant is convicted of any felony and
15 the offense involved any of the following types of specific
16 misconduct committed as part of a ceremony, rite,
17 initiation, observance, performance, practice or activity
18 of any actual or ostensible religious, fraternal, or social
19 group:

20 (i) the brutalizing or torturing of humans or
21 animals;

22 (ii) the theft of human corpses;

23 (iii) the kidnapping of humans;

24 (iv) the desecration of any cemetery, religious,
25 fraternal, business, governmental, educational, or
26 other building or property; or

1 (v) ritualized abuse of a child; or

2 ~~(7) When a defendant is convicted of first degree~~
3 ~~murder, after having been previously convicted in Illinois~~
4 ~~of any offense listed under paragraph (c)(2) of Section~~
5 ~~5-5-3, when such conviction has occurred within 10 years~~
6 ~~after the previous conviction, excluding time spent in~~
7 ~~custody, and such charges are separately brought and tried~~
8 ~~and arise out of different series of acts; or~~

9 (5) ~~(8)~~ When a defendant is convicted of a felony other
10 than conspiracy and the court finds that the felony was
11 committed under an agreement with 2 or more other persons
12 to commit that offense and the defendant, with respect to
13 the other individuals, occupied a position of organizer,
14 supervisor, financier, or any other position of management
15 or leadership, and the court further finds that the felony
16 committed was related to or in furtherance of the criminal
17 activities of an organized gang or was motivated by the
18 defendant's leadership in an organized gang; or

19 ~~(9) When a defendant is convicted of a felony violation~~
20 ~~of Section 24-1 of the Criminal Code of 1961 and the court~~
21 ~~finds that the defendant is a member of an organized gang;~~
22 ~~or~~

23 (6) ~~(10)~~ When a defendant is convicted of an ~~committed~~
24 ~~the~~ offense committed while using a firearm with a laser
25 sight attached to it. For purposes of this paragraph ~~(10)~~,
26 "laser sight" has the meaning ascribed to it in Section

1 24.6-5 of the Criminal Code of 1961; or

2 (7) ~~(11)~~ When a defendant who was at least 17 years of
3 age at the time of the commission of the offense is
4 convicted of a felony and has been previously adjudicated a
5 delinquent minor under the Juvenile Court Act of 1987 for
6 an act that if committed by an adult would be a Class X or
7 Class 1 felony when the conviction has occurred within 10
8 years after the previous adjudication, excluding time
9 spent in custody; or

10 ~~(12) When a defendant commits an offense involving the~~
11 ~~illegal manufacture of a controlled substance under~~
12 ~~Section 401 of the Illinois Controlled Substances Act, the~~
13 ~~illegal manufacture of methamphetamine under Section 25 of~~
14 ~~the Methamphetamine Control and Community Protection Act,~~
15 ~~or the illegal possession of explosives and an emergency~~
16 ~~response officer in the performance of his or her duties is~~
17 ~~killed or injured at the scene of the offense while~~
18 ~~responding to the emergency caused by the commission of the~~
19 ~~offense. In this paragraph (12), "emergency" means a~~
20 ~~situation in which a person's life, health, or safety is in~~
21 ~~jeopardy; and "emergency response officer" means a peace~~
22 ~~officer, community policing volunteer, fireman, emergency~~
23 ~~medical technician ambulance, emergency medical~~
24 ~~technician intermediate, emergency medical~~
25 ~~technician paramedic, ambulance driver, other medical~~
26 ~~assistance or first aid personnel, or hospital emergency~~

1 ~~room personnel; or~~

2 (8) ~~(13)~~ When a defendant commits any felony and the
3 defendant used, possessed, exercised control over, or
4 otherwise directed an animal to assault a law enforcement
5 officer engaged in the execution of his or her official
6 duties or in furtherance of the criminal activities of an
7 organized gang in which the defendant is engaged.

8 (c) The following factors may be considered by the court as
9 reasons to impose an extended term sentence under Section 5-8-2
10 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

11 (1) When a defendant is convicted of first degree
12 murder, after having been previously convicted in Illinois
13 of any offense listed under paragraph (c)(2) of Section
14 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
15 within 10 years after the previous conviction, excluding
16 time spent in custody, and the charges are separately
17 brought and tried and arise out of different series of
18 acts.

19 (1.5) When a defendant is convicted of first degree
20 murder, after having been previously convicted of domestic
21 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
22 (720 ILCS 5/12-3.3) committed on the same victim or after
23 having been previously convicted of violation of an order
24 of protection (720 ILCS 5/12-30) in which the same victim
25 was the protected person.

26 (2) When a defendant is convicted of voluntary

1 manslaughter, second degree murder, involuntary
2 manslaughter, or reckless homicide in which the defendant
3 has been convicted of causing the death of more than one
4 individual.

5 (3) When a defendant is convicted of aggravated
6 criminal sexual assault or criminal sexual assault, when
7 there is a finding that aggravated criminal sexual assault
8 or criminal sexual assault was also committed on the same
9 victim by one or more other individuals, and the defendant
10 voluntarily participated in the crime with the knowledge of
11 the participation of the others in the crime, and the
12 commission of the crime was part of a single course of
13 conduct during which there was no substantial change in the
14 nature of the criminal objective.

15 (4) If the victim was under 18 years of age at the time
16 of the commission of the offense, when a defendant is
17 convicted of aggravated criminal sexual assault or
18 predatory criminal sexual assault of a child under
19 subsection (a)(1) of Section 12-14.1 of the Criminal Code
20 of 1961 (720 ILCS 5/12-14.1).

21 (5) When a defendant is convicted of a felony violation
22 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
23 5/24-1) and there is a finding that the defendant is a
24 member of an organized gang.

25 (6) When a defendant was convicted of unlawful use of
26 weapons under Section 24-1 of the Criminal Code of 1961

1 (720 ILCS 5/24-1) for possessing a weapon that is not
2 readily distinguishable as one of the weapons enumerated in
3 Section 24-1 of the Criminal Code of 1961 (720 ILCS
4 5/24-1).

5 (7) When a defendant is convicted of an offense
6 involving the illegal manufacture of a controlled
7 substance under Section 401 of the Illinois Controlled
8 Substances Act (720 ILCS 570/401), the illegal manufacture
9 of methamphetamine under Section 25 of the Methamphetamine
10 Control and Community Protection Act (720 ILCS 646/25), or
11 the illegal possession of explosives and an emergency
12 response officer in the performance of his or her duties is
13 killed or injured at the scene of the offense while
14 responding to the emergency caused by the commission of the
15 offense. In this paragraph, "emergency" means a situation
16 in which a person's life, health, or safety is in jeopardy;
17 and "emergency response officer" means a peace officer,
18 community policing volunteer, fireman, emergency medical
19 technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, other medical
22 assistance or first aid personnel, or hospital emergency
23 room personnel.

24 (d) ~~(b-1)~~ For the purposes of this Section, "organized
25 gang" has the meaning ascribed to it in Section 10 of the
26 Illinois Streetgang Terrorism Omnibus Prevention Act.

1 ~~(c) The court may impose an extended term sentence under~~
2 ~~Section 5-8-2 upon any offender who was convicted of aggravated~~
3 ~~criminal sexual assault or predatory criminal sexual assault of~~
4 ~~a child under subsection (a)(1) of Section 12-14.1 of the~~
5 ~~Criminal Code of 1961 where the victim was under 18 years of~~
6 ~~age at the time of the commission of the offense.~~

7 ~~(d) The court may impose an extended term sentence under~~
8 ~~Section 5-8-2 upon any offender who was convicted of unlawful~~
9 ~~use of weapons under Section 24-1 of the Criminal Code of 1961~~
10 ~~for possessing a weapon that is not readily distinguishable as~~
11 ~~one of the weapons enumerated in Section 24-1 of the Criminal~~
12 ~~Code of 1961.~~

13 ~~(e) The court may impose an extended term sentence under~~
14 ~~Section 5-8-2 upon an offender who has been convicted of first~~
15 ~~degree murder when the offender has previously been convicted~~
16 ~~of domestic battery or aggravated domestic battery committed~~
17 ~~against the murdered individual or has previously been~~
18 ~~convicted of violation of an order of protection in which the~~
19 ~~murdered individual was the protected person.~~

20 (Source: P.A. 94-131, eff. 7-7-05; 94-375, eff. 1-1-06; 94-556,
21 eff. 9-11-05; 94-819, eff. 5-31-06; 95-85, eff. 1-1-08; 95-362,
22 eff. 1-1-08; 95-569, eff. 6-1-08; 95-876, eff. 8-21-08; 95-942,
23 eff. 1-1-09; revised 9-23-08.)

24 (730 ILCS 5/5-5-4.3) (from Ch. 38, par. 1005-5-4.3)

25 Sec. 5-5-4.3. Duties of Department of Corrections.) (a) The

1 Department of Corrections shall publish an annual report
2 beginning not less than 18 months after the effective date of
3 this amendatory Act of 1977 and not later than April 30 of each
4 year which shall be made available to trial and appellate court
5 judges for their use in imposing or reviewing sentences under
6 this Code and to other interested parties upon a showing of
7 need. That report shall set forth the following data:

8 (1) The range, frequency, distribution and average of terms
9 of imprisonment imposed on offenders committed to the
10 Department of Corrections, by offense:

11 (2) The range, frequency, distribution and average of terms
12 actually served in prison by offenders committed to the
13 Department of Corrections, by offense:

14 (3) The number of instances in which an offender was
15 committed to the Department of Corrections pursuant to Sections
16 5-8-1, 5-8-2 and 5-8-4 and Article 4.5 of Chapter V of this
17 Code, by offense, and the range, frequency, distribution and
18 average of sentences imposed pursuant to those provisions, by
19 offense; and

20 (4) Such other information which the Department can provide
21 which might be requested by the court to assist it in imposing
22 sentences.

23 (b) All data required to be disseminated by this Section
24 shall be set forth for a period of not less than the preceding
25 5 years, insofar as possible.

26 (c) All data required to be disseminated by this Section

1 shall conform fully to all state and federal laws and
2 resolutions concerning the security, privacy and
3 confidentiality of such materials.

4 (Source: P.A. 84-240.)

5 (730 ILCS 5/5-6-2) (from Ch. 38, par. 1005-6-2)

6 Sec. 5-6-2. Incidents of Probation and of Conditional
7 Discharge.

8 (a) When an offender is sentenced to probation or
9 conditional discharge, the court shall impose a period as
10 provided in Article 4.5 of Chapter V ~~under paragraph (b) of~~
11 ~~this Section~~, and shall specify the conditions under Section
12 5-6-3.

13 (b) ~~Unless terminated sooner as provided in paragraph (c)~~
14 ~~of this Section or extended pursuant to paragraph (c) of this~~
15 ~~Section, the period of probation or conditional discharge shall~~
16 ~~be as follows:~~

17 ~~(1) for a Class 1 or Class 2 felony, not to exceed 4~~
18 ~~years;~~

19 ~~(2) for a Class 3 or Class 4 felony, not to exceed 30~~
20 ~~months;~~

21 ~~(3) for a misdemeanor, not to exceed 2 years;~~

22 ~~(4) for a petty offense, not to exceed 6 months.~~

23 Multiple terms of probation imposed at the same time shall
24 run concurrently.

25 (c) The court may at any time terminate probation or

1 conditional discharge if warranted by the conduct of the
2 offender and the ends of justice, as provided in Section 5-6-4.

3 (d) Upon the expiration or termination of the period of
4 probation or of conditional discharge, the court shall enter an
5 order discharging the offender.

6 (e) The court may extend any period of probation or
7 conditional discharge beyond the limits set forth in Article
8 4.5 of Chapter V ~~paragraph (b) of this Section~~ upon a violation
9 of a condition of the probation or conditional discharge, for
10 the payment of an assessment required by Section 10.3 of the
11 Cannabis Control Act, Section 411.2 of the Illinois Controlled
12 Substances Act, or Section 80 of the Methamphetamine Control
13 and Community Protection Act, or for the payment of restitution
14 as provided by an order of restitution under Section 5-5-6 of
15 this Code.

16 (f) The court may impose a term of probation that is
17 concurrent or consecutive to a term of imprisonment so long as
18 the maximum term imposed does not exceed the maximum term
19 provided under Article 4.5 of Chapter V or Article 8 of this
20 Chapter. The court may provide that probation may commence
21 while an offender is on mandatory supervised release,
22 participating in a day release program, or being monitored by
23 an electronic monitoring device.

24 (Source: P.A. 93-1014, eff. 1-1-05; 94-556, eff. 9-11-05.)

1 Sec. 5-6-4. Violation, Modification or Revocation of
2 Probation, of Conditional Discharge or Supervision or of a
3 sentence of county impact incarceration - Hearing.

4 (a) Except in cases where conditional discharge or
5 supervision was imposed for a petty offense as defined in
6 Section 5-1-17, when a petition is filed charging a violation
7 of a condition, the court may:

8 (1) in the case of probation violations, order the
9 issuance of a notice to the offender to be present by the
10 County Probation Department or such other agency
11 designated by the court to handle probation matters; and in
12 the case of conditional discharge or supervision
13 violations, such notice to the offender shall be issued by
14 the Circuit Court Clerk; and in the case of a violation of
15 a sentence of county impact incarceration, such notice
16 shall be issued by the Sheriff;

17 (2) order a summons to the offender to be present for
18 hearing; or

19 (3) order a warrant for the offender's arrest where
20 there is danger of his fleeing the jurisdiction or causing
21 serious harm to others or when the offender fails to answer
22 a summons or notice from the clerk of the court or Sheriff.

23 Personal service of the petition for violation of probation
24 or the issuance of such warrant, summons or notice shall toll
25 the period of probation, conditional discharge, supervision,
26 or sentence of county impact incarceration until the final

1 determination of the charge, and the term of probation,
2 conditional discharge, supervision, or sentence of county
3 impact incarceration shall not run until the hearing and
4 disposition of the petition for violation.

5 (b) The court shall conduct a hearing of the alleged
6 violation. The court shall admit the offender to bail pending
7 the hearing unless the alleged violation is itself a criminal
8 offense in which case the offender shall be admitted to bail on
9 such terms as are provided in the Code of Criminal Procedure of
10 1963, as amended. In any case where an offender remains
11 incarcerated only as a result of his alleged violation of the
12 court's earlier order of probation, supervision, conditional
13 discharge, or county impact incarceration such hearing shall be
14 held within 14 days of the onset of said incarceration, unless
15 the alleged violation is the commission of another offense by
16 the offender during the period of probation, supervision or
17 conditional discharge in which case such hearing shall be held
18 within the time limits described in Section 103-5 of the Code
19 of Criminal Procedure of 1963, as amended.

20 (c) The State has the burden of going forward with the
21 evidence and proving the violation by the preponderance of the
22 evidence. The evidence shall be presented in open court with
23 the right of confrontation, cross-examination, and
24 representation by counsel.

25 (d) Probation, conditional discharge, periodic
26 imprisonment and supervision shall not be revoked for failure

1 to comply with conditions of a sentence or supervision, which
2 imposes financial obligations upon the offender unless such
3 failure is due to his willful refusal to pay.

4 (e) If the court finds that the offender has violated a
5 condition at any time prior to the expiration or termination of
6 the period, it may continue him on the existing sentence, with
7 or without modifying or enlarging the conditions, or may impose
8 any other sentence that was available under Article 4.5 of
9 Chapter V ~~Section 5-5-3~~ of this Code or Section 11-501 of the
10 Illinois Vehicle Code at the time of initial sentencing. If the
11 court finds that the person has failed to successfully complete
12 his or her sentence to a county impact incarceration program,
13 the court may impose any other sentence that was available
14 under Article 4.5 of Chapter V ~~Section 5-5-3~~ of this Code or
15 Section 11-501 of the Illinois Vehicle Code at the time of
16 initial sentencing, except for a sentence of probation or
17 conditional discharge. If the court finds that the offender has
18 violated paragraph (8.6) of subsection (a) of Section 5-6-3,
19 the court shall revoke the probation of the offender. If the
20 court finds that the offender has violated subsection (o) of
21 Section 5-6-3.1, the court shall revoke the supervision of the
22 offender.

23 (f) The conditions of probation, of conditional discharge,
24 of supervision, or of a sentence of county impact incarceration
25 may be modified by the court on motion of the supervising
26 agency or on its own motion or at the request of the offender

1 after notice and a hearing.

2 (g) A judgment revoking supervision, probation,
3 conditional discharge, or a sentence of county impact
4 incarceration is a final appealable order.

5 (h) Resentencing after revocation of probation,
6 conditional discharge, supervision, or a sentence of county
7 impact incarceration shall be under Article 4. The term on
8 probation, conditional discharge or supervision shall not be
9 credited by the court against a sentence of imprisonment or
10 periodic imprisonment unless the court orders otherwise. The
11 amount of credit to be applied against a sentence of
12 imprisonment or periodic imprisonment when the defendant
13 served a term or partial term of periodic imprisonment shall be
14 calculated upon the basis of the actual days spent in
15 confinement rather than the duration of the term.

16 (i) Instead of filing a violation of probation, conditional
17 discharge, supervision, or a sentence of county impact
18 incarceration, an agent or employee of the supervising agency
19 with the concurrence of his or her supervisor may serve on the
20 defendant a Notice of Intermediate Sanctions. The Notice shall
21 contain the technical violation or violations involved, the
22 date or dates of the violation or violations, and the
23 intermediate sanctions to be imposed. Upon receipt of the
24 Notice, the defendant shall immediately accept or reject the
25 intermediate sanctions. If the sanctions are accepted, they
26 shall be imposed immediately. If the intermediate sanctions are

1 rejected or the defendant does not respond to the Notice, a
2 violation of probation, conditional discharge, supervision, or
3 a sentence of county impact incarceration shall be immediately
4 filed with the court. The State's Attorney and the sentencing
5 court shall be notified of the Notice of Sanctions. Upon
6 successful completion of the intermediate sanctions, a court
7 may not revoke probation, conditional discharge, supervision,
8 or a sentence of county impact incarceration or impose
9 additional sanctions for the same violation. A notice of
10 intermediate sanctions may not be issued for any violation of
11 probation, conditional discharge, supervision, or a sentence
12 of county impact incarceration which could warrant an
13 additional, separate felony charge. The intermediate sanctions
14 shall include a term of home detention as provided in Article
15 8A of Chapter V of this Code for multiple or repeat violations
16 of the terms and conditions of a sentence of probation,
17 conditional discharge, or supervision.

18 (j) When an offender is re-sentenced after revocation of
19 probation that was imposed in combination with a sentence of
20 imprisonment for the same offense, the aggregate of the
21 sentences may not exceed the maximum term authorized under
22 Article 8 of this Chapter.

23 (Source: P.A. 94-161, eff. 7-11-05; 95-35, eff. 1-1-08.)

24 (730 ILCS 5/5-6-4.1) (from Ch. 38, par. 1005-6-4.1)

25 Sec. 5-6-4.1. Violation, Modification or Revocation of

1 Conditional Discharge or Supervision - Hearing.)

2 (a) In cases where a defendant was placed upon supervision
3 or conditional discharge for the commission of a petty offense,
4 upon the oral or written motion of the State, or on the court's
5 own motion, which charges that a violation of a condition of
6 that conditional discharge or supervision has occurred, the
7 court may:

8 (1) Conduct a hearing instanter if the offender is
9 present in court;

10 (2) Order the issuance by the court clerk of a notice
11 to the offender to be present for a hearing for violation;

12 (3) Order summons to the offender to be present; or

13 (4) Order a warrant for the offender's arrest.

14 The oral motion, if the defendant is present, or the
15 issuance of such warrant, summons or notice shall toll the
16 period of conditional discharge or supervision until the final
17 determination of the charge, and the term of conditional
18 discharge or supervision shall not run until the hearing and
19 disposition of the petition for violation.

20 (b) The Court shall admit the offender to bail pending the
21 hearing.

22 (c) The State has the burden of going forward with the
23 evidence and proving the violation by the preponderance of the
24 evidence. The evidence shall be presented in open court with
25 the right of confrontation, cross-examination, and
26 representation by counsel.

1 (d) Conditional discharge or supervision shall not be
2 revoked for failure to comply with the conditions of the
3 discharge or supervision which imposed financial obligations
4 upon the offender unless such failure is due to his wilful
5 refusal to pay.

6 (e) If the court finds that the offender has violated a
7 condition at any time prior to the expiration or termination of
8 the period, it may continue him on the existing sentence or
9 supervision with or without modifying or enlarging the
10 conditions, or may impose any other sentence that was available
11 under Article 4.5 of Chapter V ~~Section 5-5-3~~ of this Code or
12 Section 11-501 of the Illinois Vehicle Code at the time of
13 initial sentencing.

14 (f) The conditions of conditional discharge and of
15 supervision may be modified by the court on motion of the
16 probation officer or on its own motion or at the request of the
17 offender after notice to the defendant and a hearing.

18 (g) A judgment revoking supervision is a final appealable
19 order.

20 (h) Resentencing after revocation of conditional discharge
21 or of supervision shall be under Article 4. Time served on
22 conditional discharge or supervision shall be credited by the
23 court against a sentence of imprisonment or periodic
24 imprisonment unless the court orders otherwise.

25 (Source: P.A. 93-800, eff. 1-1-05.)

1 (730 ILCS 5/5-7-8) (from Ch. 38, par. 1005-7-8)

2 Sec. 5-7-8. Subsequent Sentences. (a) The service of a
3 sentence of imprisonment shall satisfy any sentence of periodic
4 imprisonment which was imposed on an offender for an offense
5 committed prior to the imposition of the sentence. An offender
6 who is serving a sentence of periodic imprisonment at the time
7 a sentence of imprisonment is imposed shall be delivered to the
8 custody of the Department of Corrections to commence service of
9 the sentence immediately.

10 (b) If a sentence of imprisonment under Section 5-4.5-55,
11 5-4.5-60, or 5-4.5-65 (730 ILCS 5/5-4.5-55, 5/5-4.5-60, or
12 5/5-4.5-65) ~~5-8-3~~ is imposed on an offender who is under a
13 previously imposed sentence of periodic imprisonment, such
14 person shall commence service of the sentence immediately.
15 Where such sentence is for a term in excess of 90 days, the
16 service of such sentence shall satisfy the sentence of periodic
17 imprisonment.

18 (Source: P.A. 82-717.)

19 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

20 Sec. 5-8-1. Natural life imprisonment; mandatory
21 supervised release ~~Sentence of Imprisonment for Felony.~~

22 (a) Except as otherwise provided in the statute defining
23 the offense or in Article 4.5 of Chapter V, a sentence of
24 imprisonment for a felony shall be a determinate sentence set
25 by the court under this Section, according to the following

1 limitations:

2 (1) for first degree murder,

3 (a) (blank), ~~a term shall be not less than 20 years~~
4 ~~and not more than 60 years, or~~

5 (b) if a trier of fact finds beyond a reasonable
6 doubt that the murder was accompanied by exceptionally
7 brutal or heinous behavior indicative of wanton
8 cruelty or, except as set forth in subsection (a) (1) (c)
9 of this Section, that any of the aggravating factors
10 listed in subsection (b) of Section 9-1 of the Criminal
11 Code of 1961 are present, the court may sentence the
12 defendant to a term of natural life imprisonment, or

13 (c) the court shall sentence the defendant to a
14 term of natural life imprisonment when the death
15 penalty is not imposed if the defendant,

16 (i) has previously been convicted of first
17 degree murder under any state or federal law, or

18 (ii) is a person who, at the time of the
19 commission of the murder, had attained the age of
20 17 or more and is found guilty of murdering an
21 individual under 12 years of age; or, irrespective
22 of the defendant's age at the time of the
23 commission of the offense, is found guilty of
24 murdering more than one victim, or

25 (iii) is found guilty of murdering a peace
26 officer, fireman, or emergency management worker

1 when the peace officer, fireman, or emergency
2 management worker was killed in the course of
3 performing his official duties, or to prevent the
4 peace officer or fireman from performing his
5 official duties, or in retaliation for the peace
6 officer, fireman, or emergency management worker
7 from performing his official duties, and the
8 defendant knew or should have known that the
9 murdered individual was a peace officer, fireman,
10 or emergency management worker, or

11 (iv) is found guilty of murdering an employee
12 of an institution or facility of the Department of
13 Corrections, or any similar local correctional
14 agency, when the employee was killed in the course
15 of performing his official duties, or to prevent
16 the employee from performing his official duties,
17 or in retaliation for the employee performing his
18 official duties, or

19 (v) is found guilty of murdering an emergency
20 medical technician - ambulance, emergency medical
21 technician - intermediate, emergency medical
22 technician - paramedic, ambulance driver or other
23 medical assistance or first aid person while
24 employed by a municipality or other governmental
25 unit when the person was killed in the course of
26 performing official duties or to prevent the

1 person from performing official duties or in
2 retaliation for performing official duties and the
3 defendant knew or should have known that the
4 murdered individual was an emergency medical
5 technician - ambulance, emergency medical
6 technician - intermediate, emergency medical
7 technician - paramedic, ambulance driver, or other
8 medical assistant or first aid personnel, or

9 (vi) is a person who, at the time of the
10 commission of the murder, had not attained the age
11 of 17, and is found guilty of murdering a person
12 under 12 years of age and the murder is committed
13 during the course of aggravated criminal sexual
14 assault, criminal sexual assault, or aggravated
15 kidnaping, or

16 (vii) is found guilty of first degree murder
17 and the murder was committed by reason of any
18 person's activity as a community policing
19 volunteer or to prevent any person from engaging in
20 activity as a community policing volunteer. For
21 the purpose of this Section, "community policing
22 volunteer" has the meaning ascribed to it in
23 Section 2-3.5 of the Criminal Code of 1961.

24 For purposes of clause (v), "emergency medical
25 technician - ambulance", "emergency medical technician
26 - intermediate", "emergency medical technician -

1 paramedic", have the meanings ascribed to them in the
2 Emergency Medical Services (EMS) Systems Act.

3 (d) (i) if the person committed the offense while
4 armed with a firearm, 15 years shall be added to
5 the term of imprisonment imposed by the court;

6 (ii) if, during the commission of the offense,
7 the person personally discharged a firearm, 20
8 years shall be added to the term of imprisonment
9 imposed by the court;

10 (iii) if, during the commission of the
11 offense, the person personally discharged a
12 firearm that proximately caused great bodily harm,
13 permanent disability, permanent disfigurement, or
14 death to another person, 25 years or up to a term
15 of natural life shall be added to the term of
16 imprisonment imposed by the court.

17 ~~(1.5) for second degree murder, a term shall be not~~
18 ~~less than 4 years and not more than 20 years;~~

19 (2) (blank) ~~for a person adjudged a habitual criminal~~
20 ~~under Article 33B of the Criminal Code of 1961, as amended,~~
21 ~~the sentence shall be a term of natural life imprisonment;~~

22 (2.5) for a person convicted under the circumstances
23 described in paragraph (3) of subsection (b) of Section
24 12-13, paragraph (2) of subsection (d) of Section 12-14,
25 paragraph (1.2) of subsection (b) of Section 12-14.1, or
26 paragraph (2) of subsection (b) of Section 12-14.1 of the

1 Criminal Code of 1961, the sentence shall be a term of
2 natural life imprisonment. †

3 ~~(3) except as otherwise provided in the statute~~
4 ~~defining the offense, for a Class X felony, the sentence~~
5 ~~shall be not less than 6 years and not more than 30 years;~~

6 ~~(4) for a Class 1 felony, other than second degree~~
7 ~~murder, the sentence shall be not less than 4 years and not~~
8 ~~more than 15 years;~~

9 ~~(5) for a Class 2 felony, the sentence shall be not~~
10 ~~less than 3 years and not more than 7 years;~~

11 ~~(6) for a Class 3 felony, the sentence shall be not~~
12 ~~less than 2 years and not more than 5 years;~~

13 ~~(7) for a Class 4 felony, the sentence shall be not~~
14 ~~less than 1 year and not more than 3 years.~~

15 (b) (Blank.) ~~The sentencing judge in each felony conviction~~
16 ~~shall set forth his reasons for imposing the particular~~
17 ~~sentence he enters in the case, as provided in Section 5-4-1 of~~
18 ~~this Code. Those reasons may include any mitigating or~~
19 ~~aggravating factors specified in this Code, or the lack of any~~
20 ~~such circumstances, as well as any other such factors as the~~
21 ~~judge shall set forth on the record that are consistent with~~
22 ~~the purposes and principles of sentencing set out in this Code.~~

23 (c) (Blank.) ~~A motion to reduce a sentence may be made, or~~
24 ~~the court may reduce a sentence without motion, within 30 days~~
25 ~~after the sentence is imposed. A defendant's challenge to the~~
26 ~~correctness of a sentence or to any aspect of the sentencing~~

1 ~~hearing shall be made by a written motion filed within 30 days~~
2 ~~following the imposition of sentence. However, the court may~~
3 ~~not increase a sentence once it is imposed.~~

4 ~~If a motion filed pursuant to this subsection is timely~~
5 ~~filed within 30 days after the sentence is imposed, the~~
6 ~~proponent of the motion shall exercise due diligence in seeking~~
7 ~~a determination on the motion and the court shall thereafter~~
8 ~~decide such motion within a reasonable time.~~

9 ~~If a motion filed pursuant to this subsection is timely~~
10 ~~filed within 30 days after the sentence is imposed, then for~~
11 ~~purposes of perfecting an appeal, a final judgment shall not be~~
12 ~~considered to have been entered until the motion to reduce a~~
13 ~~sentence has been decided by order entered by the trial court.~~

14 ~~A motion filed pursuant to this subsection shall not be~~
15 ~~considered to have been timely filed unless it is filed with~~
16 ~~the circuit court clerk within 30 days after the sentence is~~
17 ~~imposed together with a notice of motion, which notice of~~
18 ~~motion shall set the motion on the court's calendar on a date~~
19 ~~certain within a reasonable time after the date of filing.~~

20 (d) ~~Except where a term of natural life is imposed, every~~
21 ~~sentence shall include as though written therein a term in~~
22 ~~addition to the term of imprisonment. For those sentenced under~~
23 ~~the law in effect prior to February 1, 1978, such term shall be~~
24 ~~identified as a parole term. For those sentenced on or after~~
25 ~~February 1, 1978, such term shall be identified as a mandatory~~
26 ~~supervised release term. Subject to earlier termination under~~

1 Section 3-3-8, the parole or mandatory supervised release term
2 shall be as follows:

3 (1) for first degree murder or a Class X felony except
4 for the offenses of predatory criminal sexual assault of a
5 child, aggravated criminal sexual assault, and criminal
6 sexual assault if committed on or after the effective date
7 of this amendatory Act of the 94th General Assembly and
8 except for the offense of aggravated child pornography
9 under Section 11-20.3 of the Criminal Code of 1961, if
10 committed on or after January 1, 2009, 3 years;

11 (2) for a Class 1 felony or a Class 2 felony except for
12 the offense of criminal sexual assault if committed on or
13 after the effective date of this amendatory Act of the 94th
14 General Assembly and except for the offenses of manufacture
15 and dissemination of child pornography under clauses
16 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code
17 of 1961, if committed on or after January 1, 2009, 2 years;

18 (3) for a Class 3 felony or a Class 4 felony, 1 year;

19 (4) for defendants who commit the offense of predatory
20 criminal sexual assault of a child, aggravated criminal
21 sexual assault, or criminal sexual assault, on or after the
22 effective date of this amendatory Act of the 94th General
23 Assembly, or who commit the offense of aggravated child
24 pornography, manufacture of child pornography, or
25 dissemination of child pornography after January 1, 2009,
26 the term of mandatory supervised release shall range from a

1 minimum of 3 years to a maximum of the natural life of the
2 defendant;

3 (5) if the victim is under 18 years of age, for a
4 second or subsequent offense of aggravated criminal sexual
5 abuse or felony criminal sexual abuse, 4 years, at least
6 the first 2 years of which the defendant shall serve in an
7 electronic home detention program under Article 8A of
8 Chapter V of this Code.

9 (e) (Blank.) ~~A defendant who has a previous and unexpired
10 sentence of imprisonment imposed by another state or by any
11 district court of the United States and who, after sentence for
12 a crime in Illinois, must return to serve the unexpired prior
13 sentence may have his sentence by the Illinois court ordered to
14 be concurrent with the prior sentence in the other state. The
15 court may order that any time served on the unexpired portion
16 of the sentence in the other state, prior to his return to
17 Illinois, shall be credited on his Illinois sentence. The other
18 state shall be furnished with a copy of the order imposing
19 sentence which shall provide that, when the offender is
20 released from confinement of the other state, whether by parole
21 or by termination of sentence, the offender shall be
22 transferred by the Sheriff of the committing county to the
23 Illinois Department of Corrections. The court shall cause the
24 Department of Corrections to be notified of such sentence at
25 the time of commitment and to be provided with copies of all
26 records regarding the sentence.~~

1 (f) (Blank.) ~~A defendant who has a previous and unexpired~~
2 ~~sentence of imprisonment imposed by an Illinois circuit court~~
3 ~~for a crime in this State and who is subsequently sentenced to~~
4 ~~a term of imprisonment by another state or by any district~~
5 ~~court of the United States and who has served a term of~~
6 ~~imprisonment imposed by the other state or district court of~~
7 ~~the United States, and must return to serve the unexpired prior~~
8 ~~sentence imposed by the Illinois Circuit Court may apply to the~~
9 ~~court which imposed sentence to have his sentence reduced.~~

10 ~~The circuit court may order that any time served on the~~
11 ~~sentence imposed by the other state or district court of the~~
12 ~~United States be credited on his Illinois sentence. Such~~
13 ~~application for reduction of a sentence under this subsection~~
14 ~~(f) shall be made within 30 days after the defendant has~~
15 ~~completed the sentence imposed by the other state or district~~
16 ~~court of the United States.~~

17 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;
18 94-715, eff. 12-13-05; 95-983, eff. 6-1-09.)

19 (730 ILCS 5/5-8-2) (from Ch. 38, par. 1005-8-2)

20 Sec. 5-8-2. Extended Term.

21 (a) A judge shall not sentence an offender to a term of
22 imprisonment in excess of the maximum sentence authorized by
23 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter V
24 for an offense or offenses within the class of the most serious
25 offense of which the offender was convicted unless the factors

1 in aggravation set forth in ~~paragraph (b)~~ of Section 5-5-3.2 or
2 clause (a)(1)(b) of Section 5-8-1 were found to be present. If
3 the pre-trial and trial proceedings were conducted in
4 compliance with subsection (c-5) of Section 111-3 of the Code
5 of Criminal Procedure of 1963, the judge may sentence an
6 offender to an extended term as provided in Article 4.5 of
7 Chapter V (730 ILCS 5/Ch. V, Art. 4.5). ~~to the following:~~

8 ~~(1) for first degree murder, a term shall be not less~~
9 ~~than 60 years and not more than 100 years;~~

10 ~~(2) for a Class X felony, a term shall be not less than~~
11 ~~30 years and not more than 60 years;~~

12 ~~(3) for a Class 1 felony, a term shall be not less than~~
13 ~~15 years and not more than 30 years;~~

14 ~~(4) for a Class 2 felony, a term shall be not less than~~
15 ~~7 years and not more than 14 years;~~

16 ~~(5) for a Class 3 felony, a term shall not be less than~~
17 ~~5 years and not more than 10 years;~~

18 ~~(6) for a Class 4 felony, a term shall be not less than~~
19 ~~3 years and not more than 6 years.~~

20 (b) If the conviction was by plea, it shall appear on the
21 record that the plea was entered with the defendant's knowledge
22 that a sentence under this Section was a possibility. If it
23 does not so appear on the record, the defendant shall not be
24 subject to such a sentence unless he is first given an
25 opportunity to withdraw his plea without prejudice.

26 (Source: P.A. 92-591, eff. 6-27-02; 93-900, eff. 1-1-05.)

1 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

2 Sec. 5-8-4. CONCURRENT AND CONSECUTIVE TERMS OF
3 IMPRISONMENT ~~Concurrent and Consecutive Terms of Imprisonment.~~

4 (a) CONCURRENT TERMS; MULTIPLE OR ADDITIONAL SENTENCES.
5 When an Illinois court (i) imposes multiple sentences of
6 imprisonment on a defendant at the same time or (ii) imposes a
7 sentence of imprisonment on a defendant who is already subject
8 to a sentence of imprisonment imposed by an Illinois court, a
9 court of another state, or a federal court, then the sentences
10 shall run concurrently unless otherwise determined by the
11 Illinois court under this Section.

12 (b) CONCURRENT TERMS; MISDEMEANOR AND FELONY. A defendant
13 -serving a sentence for a misdemeanor who is convicted of a
14 felony and sentenced to imprisonment shall be transferred to
15 the Department of Corrections, and the misdemeanor sentence
16 shall be merged in and run concurrently with the felony
17 sentence.

18 (c) CONSECUTIVE TERMS; PERMISSIVE. The court may impose
19 consecutive sentences in any of the following circumstances:

20 (1) If, having regard to the nature and circumstances
21 of the offense and the history and character of the
22 defendant, it is the opinion of the court that consecutive
23 sentences are required to protect the public from further
24 criminal conduct by the defendant, the basis for which the
25 court shall set forth in the record.

1 (2) If one of the offenses for which a defendant was
2 convicted was a violation of Section 32-5.2 (aggravated
3 false personation of a peace officer) of the Criminal Code
4 of 1961 (720 ILCS 5/32-5.2) and the offense was committed
5 in attempting or committing a forcible felony.

6 (d) CONSECUTIVE TERMS; MANDATORY. The court shall impose
7 consecutive sentences in each of the following circumstances:

8 (1) One of the offenses for which the defendant was
9 convicted was first degree murder or a Class X or Class 1
10 felony and the defendant inflicted severe bodily injury.

11 (2) The defendant was convicted of a violation of
12 Section 12-13 (criminal sexual assault), 12-14 (aggravated
13 criminal sexual assault), or 12-14.1 (predatory criminal
14 sexual assault of a child) of the Criminal Code of 1961
15 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

16 (3) The defendant was convicted of armed violence based
17 upon the predicate offense of any of the following:
18 solicitation of murder, solicitation of murder for hire,
19 heinous battery, aggravated battery of a senior citizen,
20 criminal sexual assault, a violation of subsection (g) of
21 Section 5 of the Cannabis Control Act (720 ILCS 550/5),
22 cannabis trafficking, a violation of subsection (a) of
23 Section 401 of the Illinois Controlled Substances Act (720
24 ILCS 570/401), controlled substance trafficking involving
25 a Class X felony amount of controlled substance under
26 Section 401 of the Illinois Controlled Substances Act (720

1 ILCS 570/401), a violation of the Methamphetamine Control
2 and Community Protection Act (720 ILCS 646/), calculated
3 criminal drug conspiracy, or streetgang criminal drug
4 conspiracy.

5 (4) The defendant was convicted of the offense of
6 leaving the scene of a motor vehicle accident involving
7 death or personal injuries under Section 11-401 of the
8 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof under Section 11-501 of the
12 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
13 homicide under Section 9-3 of the Criminal Code of 1961
14 (720 ILCS 5/9-3), or (C) both an offense described in item
15 (A) and an offense described in item (B).

16 (5) The defendant was convicted of a violation of
17 Section 9-3.1 (concealment of homicidal death) or Section
18 12-20.5 (dismembering a human body) of the Criminal Code of
19 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

20 (6) If the defendant was in the custody of the
21 Department of Corrections at the time of the commission of
22 the offense, the sentence shall be served consecutive to
23 the sentence under which the defendant is held by the
24 Department of Corrections. If, however, the defendant is
25 sentenced to punishment by death, the sentence shall be
26 executed at such time as the court may fix without regard

1 to the sentence under which the defendant may be held by
2 the Department.

3 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
4 for escape or attempted escape shall be served consecutive
5 to the terms under which the offender is held by the
6 Department of Corrections.

7 (8) If a person charged with a felony commits a
8 separate felony while on pretrial release or in pretrial
9 detention in a county jail facility or county detention
10 facility, then the sentences imposed upon conviction of
11 these felonies shall be served consecutively regardless of
12 the order in which the judgments of conviction are entered.

13 (8.5) If a person commits a battery against a county
14 correctional officer or sheriff's employee while serving a
15 sentence or in pretrial detention in a county jail
16 facility, then the sentence imposed upon conviction of the
17 battery shall be served consecutively with the sentence
18 imposed upon conviction of the earlier misdemeanor or
19 felony, regardless of the order in which the judgments of
20 conviction are entered.

21 (9) If a person admitted to bail following conviction
22 of a felony commits a separate felony while free on bond or
23 if a person detained in a county jail facility or county
24 detention facility following conviction of a felony
25 commits a separate felony while in detention, then any
26 sentence following conviction of the separate felony shall

1 be consecutive to that of the original sentence for which
2 the defendant was on bond or detained.

3 (10) If a person is found to be in possession of an
4 item of contraband, as defined in clause (c)(2) of Section
5 31A-1.1 of the Criminal Code of 1961, while serving a
6 sentence in a county jail or while in pre-trial detention
7 in a county jail, the sentence imposed upon conviction for
8 the offense of possessing contraband in a penal institution
9 shall be served consecutively to the sentence imposed for
10 the offense in which the person is serving sentence in the
11 county jail or serving pretrial detention, regardless of
12 the order in which the judgments of conviction are entered.

13 (e) CONSECUTIVE TERMS; SUBSEQUENT NON-ILLINOIS TERM. If an
14 Illinois court has imposed a sentence of imprisonment on a
15 defendant and the defendant is subsequently sentenced to a term
16 of imprisonment by a court of another state or a federal court,
17 then the Illinois sentence shall run consecutively to the
18 sentence imposed by the court of the other state or the federal
19 court. That same Illinois court, however, may order that the
20 Illinois sentence run concurrently with the sentence imposed by
21 the court of the other state or the federal court, but only if
22 the defendant applies to that same Illinois court within 30
23 days after the sentence imposed by the court of the other state
24 or the federal court is finalized.

25 (f) CONSECUTIVE TERMS; AGGREGATE MAXIMUMS AND MINIMUMS.
26 The aggregate maximum and aggregate minimum of consecutive

1 sentences shall be determined as follows:

2 (1) For sentences imposed under law in effect prior to
3 February 1, 1978, the aggregate maximum of consecutive
4 sentences shall not exceed the maximum term authorized
5 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
6 Chapter V for the 2 most serious felonies involved. The
7 aggregate minimum period of consecutive sentences shall
8 not exceed the highest minimum term authorized under
9 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
10 V for the 2 most serious felonies involved. When sentenced
11 only for misdemeanors, a defendant shall not be
12 consecutively sentenced to more than the maximum for one
13 Class A misdemeanor.

14 (2) For sentences imposed under the law in effect on or
15 after February 1, 1978, the aggregate of consecutive
16 sentences for offenses that were committed as part of a
17 single course of conduct during which there was no
18 substantial change in the nature of the criminal objective
19 shall not exceed the sum of the maximum terms authorized
20 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most
21 serious felonies involved, but no such limitation shall
22 apply for offenses that were not committed as part of a
23 single course of conduct during which there was no
24 substantial change in the nature of the criminal objective.
25 When sentenced only for misdemeanors, a defendant shall not
26 be consecutively sentenced to more than the maximum for one

1 Class A misdemeanor.

2 (g) CONSECUTIVE TERMS; MANNER SERVED. In determining the
3 manner in which consecutive sentences of imprisonment, one or
4 more of which is for a felony, will be served, the Department
5 of Corrections shall treat the defendant as though he or she
6 had been committed for a single term subject to each of the
7 following:

8 (1) The maximum period of a term of imprisonment shall
9 consist of the aggregate of the maximums of the imposed
10 indeterminate terms, if any, plus the aggregate of the
11 imposed determinate sentences for felonies, plus the
12 aggregate of the imposed determinate sentences for
13 misdemeanors, subject to subsection (f) of this Section.

14 (2) The parole or mandatory supervised release term
15 shall be as provided in paragraph (e) of Section 5-4.5-50
16 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
17 involved.

18 (3) The minimum period of imprisonment shall be the
19 aggregate of the minimum and determinate periods of
20 imprisonment imposed by the court, subject to subsection
21 (f) of this Section.

22 (4) The defendant shall be awarded credit against the
23 aggregate maximum term and the aggregate minimum term of
24 imprisonment for all time served in an institution since
25 the commission of the offense or offenses and as a
26 consequence thereof at the rate specified in Section 3-6-3

1 (730 ILCS 5/3-6-3).

2 ~~(a) When multiple sentences of imprisonment are imposed on~~
3 ~~a defendant at the same time, or when a term of imprisonment is~~
4 ~~imposed on a defendant who is already subject to sentence in~~
5 ~~this State or in another state, or for a sentence imposed by~~
6 ~~any district court of the United States, the sentences shall~~
7 ~~run concurrently or consecutively as determined by the court.~~
8 ~~When one of the offenses for which a defendant was convicted~~
9 ~~was a violation of Section 32-5.2 of the Criminal Code of 1961~~
10 ~~and the offense was committed in attempting or committing a~~
11 ~~forcible felony, the court may impose consecutive sentences.~~
12 ~~When a term of imprisonment is imposed on a defendant by an~~
13 ~~Illinois circuit court and the defendant is subsequently~~
14 ~~sentenced to a term of imprisonment by another state or by a~~
15 ~~district court of the United States, the Illinois circuit court~~
16 ~~which imposed the sentence may order that the Illinois sentence~~
17 ~~be made concurrent with the sentence imposed by the other state~~
18 ~~or district court of the United States. The defendant must~~
19 ~~apply to the circuit court within 30 days after the defendant's~~
20 ~~sentence imposed by the other state or district of the United~~
21 ~~States is finalized. The court shall impose consecutive~~
22 ~~sentences if:~~

23 ~~(i) one of the offenses for which defendant was~~
24 ~~convicted was first degree murder or a Class X or Class 1~~
25 ~~felony and the defendant inflicted severe bodily injury, or~~

26 ~~(ii) the defendant was convicted of a violation of~~

1 ~~Section 12-13, 12-14, or 12-14.1 of the Criminal Code of~~
2 ~~1961, or~~

3 ~~(iii) the defendant was convicted of armed violence~~
4 ~~based upon the predicate offense of solicitation of murder,~~
5 ~~solicitation of murder for hire, heinous battery,~~
6 ~~aggravated battery of a senior citizen, criminal sexual~~
7 ~~assault, a violation of subsection (g) of Section 5 of the~~
8 ~~Cannabis Control Act, cannabis trafficking, a violation of~~
9 ~~subsection (a) of Section 401 of the Illinois Controlled~~
10 ~~Substances Act, controlled substance trafficking involving~~
11 ~~a Class X felony amount of controlled substance under~~
12 ~~Section 401 of the Illinois Controlled Substances Act, a~~
13 ~~violation of the Methamphetamine Control and Community~~
14 ~~Protection Act, calculated criminal drug conspiracy, or~~
15 ~~streetgang criminal drug conspiracy, or~~

16 ~~(iv) the defendant was convicted of the offense of~~
17 ~~leaving the scene of a motor vehicle accident involving~~
18 ~~death or personal injuries under Section 11-401 and either:~~
19 ~~(A) aggravated driving under the influence of alcohol,~~
20 ~~other drug or drugs, or intoxicating compound or compounds,~~
21 ~~or any combination thereof under Section 11-501 of the~~
22 ~~Illinois Vehicle Code, or (B) reckless homicide under~~
23 ~~Section 9-3 of the Criminal Code of 1961, or both an~~
24 ~~offense described in subdivision (A) and an offense~~
25 ~~described in subdivision (B), or~~

26 ~~(v) the defendant was convicted of a violation of~~

1 ~~Section 9-3.1 (concealment of homicidal death) or Section~~
2 ~~12-20.5 (dismembering a human body) of the Criminal Code of~~
3 ~~1961,~~
4 ~~in which event the court shall enter sentences to run~~
5 ~~consecutively. Sentences shall run concurrently unless~~
6 ~~otherwise specified by the court.~~

7 ~~(b) Except in cases where consecutive sentences are~~
8 ~~mandated, the court shall impose concurrent sentences unless,~~
9 ~~having regard to the nature and circumstances of the offense~~
10 ~~and the history and character of the defendant, it is of the~~
11 ~~opinion that consecutive sentences are required to protect the~~
12 ~~public from further criminal conduct by the defendant, the~~
13 ~~basis for which the court shall set forth in the record.~~

14 ~~(c) (1) For sentences imposed under law in effect prior to~~
15 ~~February 1, 1978 the aggregate maximum of consecutive~~
16 ~~sentences shall not exceed the maximum term authorized~~
17 ~~under Section 5-8-1 for the 2 most serious felonies~~
18 ~~involved. The aggregate minimum period of consecutive~~
19 ~~sentences shall not exceed the highest minimum term~~
20 ~~authorized under Section 5-8-1 for the 2 most serious~~
21 ~~felonies involved. When sentenced only for misdemeanors, a~~
22 ~~defendant shall not be consecutively sentenced to more than~~
23 ~~the maximum for one Class A misdemeanor.~~

24 ~~(2) For sentences imposed under the law in effect on or~~
25 ~~after February 1, 1978, the aggregate of consecutive~~
26 ~~sentences for offenses that were committed as part of a~~

1 ~~single course of conduct during which there was no~~
2 ~~substantial change in the nature of the criminal objective~~
3 ~~shall not exceed the sum of the maximum terms authorized~~
4 ~~under Section 5-8-2 for the 2 most serious felonies~~
5 ~~involved, but no such limitation shall apply for offenses~~
6 ~~that were not committed as part of a single course of~~
7 ~~conduct during which there was no substantial change in the~~
8 ~~nature of the criminal objective. When sentenced only for~~
9 ~~misdemeanors, a defendant shall not be consecutively~~
10 ~~sentenced to more than the maximum for one Class A~~
11 ~~misdemeanor.~~

12 ~~(d) An offender serving a sentence for a misdemeanor who is~~
13 ~~convicted of a felony and sentenced to imprisonment shall be~~
14 ~~transferred to the Department of Corrections, and the~~
15 ~~misdemeanor sentence shall be merged in and run concurrently~~
16 ~~with the felony sentence.~~

17 ~~(e) In determining the manner in which consecutive~~
18 ~~sentences of imprisonment, one or more of which is for a~~
19 ~~felony, will be served, the Department of Corrections shall~~
20 ~~treat the offender as though he had been committed for a single~~
21 ~~term with the following incidents:~~

22 ~~(1) the maximum period of a term of imprisonment shall~~
23 ~~consist of the aggregate of the maximums of the imposed~~
24 ~~indeterminate terms, if any, plus the aggregate of the~~
25 ~~imposed determinate sentences for felonies plus the~~
26 ~~aggregate of the imposed determinate sentences for~~

1 ~~misdemeanors subject to paragraph (c) of this Section;~~

2 ~~(2) the parole or mandatory supervised release term~~
3 ~~shall be as provided in paragraph (c) of Section 5-8-1 of~~
4 ~~this Code for the most serious of the offenses involved;~~

5 ~~(3) the minimum period of imprisonment shall be the~~
6 ~~aggregate of the minimum and determinate periods of~~
7 ~~imprisonment imposed by the court, subject to paragraph (c)~~
8 ~~of this Section; and~~

9 ~~(4) the offender shall be awarded credit against the~~
10 ~~aggregate maximum term and the aggregate minimum term of~~
11 ~~imprisonment for all time served in an institution since~~
12 ~~the commission of the offense or offenses and as a~~
13 ~~consequence thereof at the rate specified in Section 3-6-3~~
14 ~~of this Code.~~

15 ~~(f) A sentence of an offender committed to the Department~~
16 ~~of Corrections at the time of the commission of the offense~~
17 ~~shall be served consecutive to the sentence under which he is~~
18 ~~held by the Department of Corrections. However, in case such~~
19 ~~offender shall be sentenced to punishment by death, the~~
20 ~~sentence shall be executed at such time as the court may fix~~
21 ~~without regard to the sentence under which such offender may be~~
22 ~~held by the Department.~~

23 ~~(g) A sentence under Section 3-6-4 for escape or attempted~~
24 ~~escape shall be served consecutive to the terms under which the~~
25 ~~offender is held by the Department of Corrections.~~

26 ~~(h) If a person charged with a felony commits a separate~~

1 ~~felony while on pre-trial release or in pretrial detention in a~~
2 ~~county jail facility or county detention facility, the~~
3 ~~sentences imposed upon conviction of these felonies shall be~~
4 ~~served consecutively regardless of the order in which the~~
5 ~~judgments of conviction are entered.~~

6 ~~(h 1) If a person commits a battery against a county~~
7 ~~correctional officer or sheriff's employee while serving a~~
8 ~~sentence or in pretrial detention in a county jail facility,~~
9 ~~then the sentence imposed upon conviction of the battery shall~~
10 ~~be served consecutively with the sentence imposed upon~~
11 ~~conviction of the earlier misdemeanor or felony, regardless of~~
12 ~~the order in which the judgments of conviction are entered.~~

13 ~~(i) If a person admitted to bail following conviction of a~~
14 ~~felony commits a separate felony while free on bond or if a~~
15 ~~person detained in a county jail facility or county detention~~
16 ~~facility following conviction of a felony commits a separate~~
17 ~~felony while in detention, any sentence following conviction of~~
18 ~~the separate felony shall be consecutive to that of the~~
19 ~~original sentence for which the defendant was on bond or~~
20 ~~detained.~~

21 ~~(j) If a person is found to be in possession of an item of~~
22 ~~contraband, as defined in clause (c) (2) of Section 31A-1.1 of~~
23 ~~the Criminal Code of 1961, while serving a sentence in a penal~~
24 ~~institution or while in pre-trial detention in a county jail,~~
25 ~~the sentence imposed upon conviction for the offense of~~
26 ~~possessing contraband in a penal institution shall be served~~

1 ~~consecutively to the sentence imposed for the offense in which~~
2 ~~the person is serving sentence in the county jail or serving~~
3 ~~pretrial detention, regardless of the order in which the~~
4 ~~judgments of conviction are entered.~~

5 (Source: P.A. 94-556, eff. 9-11-05; 94-985, eff. 1-1-07;
6 95-379, eff. 8-23-07; 95-766, eff. 1-1-09.)

7 (730 ILCS 5/5-9-1) (from Ch. 38, par. 1005-9-1)

8 Sec. 5-9-1. Authorized fines.

9 (a) An offender may be sentenced to pay a fine as provided
10 in Article 4.5 of Chapter V. ~~which shall not exceed for each~~
11 ~~offense:~~

12 ~~(1) for a felony, \$25,000 or the amount specified in~~
13 ~~the offense, whichever is greater, or where the offender is~~
14 ~~a corporation, \$50,000 or the amount specified in the~~
15 ~~offense, whichever is greater;~~

16 ~~(2) for a Class A misdemeanor, \$2,500 or the amount~~
17 ~~specified in the offense, whichever is greater;~~

18 ~~(3) for a Class B or Class C misdemeanor, \$1,500;~~

19 ~~(4) for a petty offense, \$1,000 or the amount specified~~
20 ~~in the offense, whichever is less;~~

21 ~~(5) for a business offense, the amount specified in the~~
22 ~~statute defining that offense.~~

23 (b) (Blank.) ~~A fine may be imposed in addition to a~~
24 ~~sentence of conditional discharge, probation, periodic~~
25 ~~imprisonment, or imprisonment.~~

1 (c) There shall be added to every fine imposed in
2 sentencing for a criminal or traffic offense, except an offense
3 relating to parking or registration, or offense by a
4 pedestrian, an additional penalty of \$10 for each \$40, or
5 fraction thereof, of fine imposed. The additional penalty of
6 \$10 for each \$40, or fraction thereof, of fine imposed, if not
7 otherwise assessed, shall also be added to every fine imposed
8 upon a plea of guilty, stipulation of facts or findings of
9 guilty, resulting in a judgment of conviction, or order of
10 supervision in criminal, traffic, local ordinance, county
11 ordinance, and conservation cases (except parking,
12 registration, or pedestrian violations), or upon a sentence of
13 probation without entry of judgment under Section 10 of the
14 Cannabis Control Act, Section 410 of the Illinois Controlled
15 Substances Act, or Section 70 of the Methamphetamine Control
16 and Community Protection Act.

17 Such additional amounts shall be assessed by the court
18 imposing the fine and shall be collected by the Circuit Clerk
19 in addition to the fine and costs in the case. Each such
20 additional penalty shall be remitted by the Circuit Clerk
21 within one month after receipt to the State Treasurer. The
22 State Treasurer shall deposit \$1 for each \$40, or fraction
23 thereof, of fine imposed into the LEADS Maintenance Fund. The
24 State Treasurer shall deposit \$1 for each \$40, or fraction
25 thereof, of fine imposed into the Law Enforcement Camera Grant
26 Fund. The remaining surcharge amount shall be deposited into

1 the Traffic and Criminal Conviction Surcharge Fund, unless the
2 fine, costs or additional amounts are subject to disbursement
3 by the circuit clerk under Section 27.5 of the Clerks of Courts
4 Act. Such additional penalty shall not be considered a part of
5 the fine for purposes of any reduction in the fine for time
6 served either before or after sentencing. Not later than March
7 1 of each year the Circuit Clerk shall submit a report of the
8 amount of funds remitted to the State Treasurer under this
9 subsection (c) during the preceding calendar year. Except as
10 otherwise provided by Supreme Court Rules, if a court in
11 imposing a fine against an offender levies a gross amount for
12 fine, costs, fees and penalties, the amount of the additional
13 penalty provided for herein shall be computed on the amount
14 remaining after deducting from the gross amount levied all fees
15 of the Circuit Clerk, the State's Attorney and the Sheriff.
16 After deducting from the gross amount levied the fees and
17 additional penalty provided for herein, less any other
18 additional penalties provided by law, the clerk shall remit the
19 net balance remaining to the entity authorized by law to
20 receive the fine imposed in the case. For purposes of this
21 Section "fees of the Circuit Clerk" shall include, if
22 applicable, the fee provided for under Section 27.3a of the
23 Clerks of Courts Act and the fee, if applicable, payable to the
24 county in which the violation occurred pursuant to Section
25 5-1101 of the Counties Code.

26 (c-5) In addition to the fines imposed by subsection (c),

1 any person convicted or receiving an order of supervision for
2 driving under the influence of alcohol or drugs shall pay an
3 additional \$100 fee to the clerk. This additional fee, less 2
4 1/2% that shall be used to defray administrative costs incurred
5 by the clerk, shall be remitted by the clerk to the Treasurer
6 within 60 days after receipt for deposit into the Trauma Center
7 Fund. This additional fee of \$100 shall not be considered a
8 part of the fine for purposes of any reduction in the fine for
9 time served either before or after sentencing. Not later than
10 March 1 of each year the Circuit Clerk shall submit a report of
11 the amount of funds remitted to the State Treasurer under this
12 subsection (c-5) during the preceding calendar year.

13 The Circuit Clerk may accept payment of fines and costs by
14 credit card from an offender who has been convicted of a
15 traffic offense, petty offense or misdemeanor and may charge
16 the service fee permitted where fines and costs are paid by
17 credit card provided for in Section 27.3b of the Clerks of
18 Courts Act.

19 (c-7) In addition to the fines imposed by subsection (c),
20 any person convicted or receiving an order of supervision for
21 driving under the influence of alcohol or drugs shall pay an
22 additional \$5 fee to the clerk. This additional fee, less 2
23 1/2% that shall be used to defray administrative costs incurred
24 by the clerk, shall be remitted by the clerk to the Treasurer
25 within 60 days after receipt for deposit into the Spinal Cord
26 Injury Paralysis Cure Research Trust Fund. This additional fee

1 of \$5 shall not be considered a part of the fine for purposes
2 of any reduction in the fine for time served either before or
3 after sentencing. Not later than March 1 of each year the
4 Circuit Clerk shall submit a report of the amount of funds
5 remitted to the State Treasurer under this subsection (c-7)
6 during the preceding calendar year.

7 (c-9) (Blank).

8 (d) In determining the amount and method of payment of a
9 fine, except for those fines established for violations of
10 Chapter 15 of the Illinois Vehicle Code, the court shall
11 consider:

12 (1) the financial resources and future ability of the
13 offender to pay the fine; and

14 (2) whether the fine will prevent the offender from
15 making court ordered restitution or reparation to the
16 victim of the offense; and

17 (3) in a case where the accused is a dissolved
18 corporation and the court has appointed counsel to
19 represent the corporation, the costs incurred either by the
20 county or the State for such representation.

21 (e) The court may order the fine to be paid forthwith or
22 within a specified period of time or in installments.

23 (f) All fines, costs and additional amounts imposed under
24 this Section for any violation of Chapters 3, 4, 6, and 11 of
25 the Illinois Vehicle Code, or a similar provision of a local
26 ordinance, and any violation of the Child Passenger Protection

1 Act, or a similar provision of a local ordinance, shall be
2 collected and disbursed by the circuit clerk as provided under
3 Section 27.5 of the Clerks of Courts Act.

4 (Source: P.A. 93-32, eff. 6-20-03; 94-556, eff. 9-11-05;
5 94-652, eff. 8-22-05; 94-987, eff. 6-30-06.)

6 (720 ILCS 5/Art. 33B rep.)

7 Section 93. The Criminal Code of 1961 is amended by
8 repealing all of Article 33B.

9 (730 ILCS 5/5-5-1 rep.)

10 (730 ILCS 5/5-5-2 rep.)

11 (730 ILCS 5/5-8-3 rep.)

12 (730 ILCS 5/5-8-7 rep.)

13 Section 95. The Unified Code of Corrections is amended by
14 repealing Sections 5-5-1, 5-5-2, 5-8-3, and 5-8-7.

15 Section 99. Effective date. This Act takes effect July 1,
16 2009."